





Appendix O: Comments to DSEIS and DNR Responses

Comments were received on the Maury Island Aquatic Reserve DSEIS in writing and through public testimony. This section includes copies of the 26 comment letters received during the comment period of July 13, 2004 through August 27, 2004, and associated DNR responses to these comments. This section also includes a summary of the public testimony, and associated DNR responses, heard during the August 10, 2004 public hearing held at McMurray Middle School on Vashon Island.

From: "mark anderson"
To: <sepacenter@wadnr.gov>
Date: 8/26/2004 9:26PM
Subject: File number 03-100801

RE: comments to DRAFT AND SUPPLEMENTAL EIS for MAURY ISLAND AQUATIC RESERVE.

Thank you for placing our family on the notification list. We have studied the information carefully and offer the following comments.

1. Buoys existing prior to enactment of this legislation (such as ours) become fish habitat due to the extensive amounts of kelp which grows on the anchoring line. Relocating said buoys unless they are derelict does more harm than good. The habitat has adjusted and adapted to the addition of the kelp, and moving heavy buoy anchors requires dragging the bottom which scars and destroys the eel grass beds and disturbs the clams and geoducks. Utilizing one inch nylon rope such as we did rather than chain which gets eaten away promotes the growth of mussels, kelp and seaweed all along the length of the line, and the line lasts a long time. 
2. We have noted the eelgrass has grown to within twenty feet of the bulkhead at our property, essentially a 40 linear foot advance toward high water mark during the past 4 years, an encouraging sign. We reside at 26332 Pillsbury Road SW and own the 2nd class tidelands adjacent. 
3. We believe all new buoys should use the line technique we utilize in order to stimulate the marine environment. We strongly believe that no crab pots should be allowed beyond 150 feet from the beach. Reason being the vast amounts of crab pots proliferating in the outer harbor from non residents during the past three years has created both a navigation hazard and a maze of ropes for fish to navigate seriously degrading the environment. We see and have experienced many times vessels getting tangled up in the crab pot lines while trying to get into and out of the harbor running the maze of crab pots everywhere including the middle of the channel, and the pots end up littering the bottom with cut lines, thereby harming marine life. 
4. I personally have resided on the harbor in various locations for over 50 years, growing up here in Inner Quartermaster harbor, just three houses east of the Marina. I recall distinctly as a 6 to 9 year old boy casting off our sandy beach for perch, cutthroat trout and salmon and routinely catching them. I used to ride my bike to Judd Creek, walk up the creek a mile or so and fish for salmon and trout and enjoyed watching the salmon go upriver to spawn. I fished for salmon and trout from the Yacht Club docks in its infancy. These were large salmon, 10 to 12 pounds. At the time I did not know what species they were. As a young man I became an avid fisherman, owning many small boats. I watched the beach in front of my parents home turn to mud over the sand, and over time become all mud, with the sand down 4 to 6 inches or more beneath the mud. I attribute this directly to the filling and blocking of the Portage/Tramp Harbor connection which used to provide current and tidal action flushing the harbor. We have also seen more than our share of toilet paper and human excrement in the water as we were swimming in the Inner harbor by the marina, although being children that did not stop us. We strongly urge the reopening of the Portage/Tramp harbor connection. The plentiful perch and salmon are all gone now. 

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Sequence number: 1



These are good points which will be considered when implementing management options for mooring buoys.

Sequence number: 2



We will consider this information if we set up an eelgrass monitoring program.

Sequence number: 3



DNR is not aware of the reviewers specific buoy technique. The WDFW has identified tow designs; an all rope system, and a mid-line float system. WDNR prefers the later. WDFW regulates where crab pots can be located. This is the first time DNR has been made aware of the issue regarding crab pots. If crab pot lines are actually a critical issue for vessel traffic and marine life the recreational community, WDFW, and any other party with an interest or jurisdictional authority regarding this issue will have to get together to develop recommendations.

Sequence number: 4



Several residents have expressed interest in re-establishing the portage at Tramp Harbor. However, we are not aware of any documentation that relates to the sediment issue the reviewer discusses. We would be very interested to review documentation of historical current and tidal action associated with the portage connection between Tramp Harbor and Quartermaster Harbor. If no documentation exists, this issue is a potential research project under Section 5.1.3 of the management plan

5. The formerly plentiful salmon runs in the Outer Harbor 25 to 30 years ago in the fall are mostly gone now as well. It used to be easy to catch your limit, now you are lucky to catch a single legal fish once every three or four times out. We do not attribute the decline of the salmon population to habitat degradation, as almost all of the waterfront homes existed then as do now, rather the blame can be laid directly on over fishing by commercial operations which should be completely eliminated. We do not want to vote for a marine park or sealift zoo, we want the active, diverse herring and salmon populations back and the only way to do that is to terminate commercial fishing anywhere in this reserve. One day several years ago we called the police to notify them of a large fishing vessel harvesting fish in front of our home with all their lights off. It turned out to be a commercial herring operation. We do not want any commercial fishing in the reserve. Salmon eat herring, and as the herring population has dwindled, so goes the salmon and other wildlife.


6. We do not believe any additional regulations of any kind on private homes and the use of private property fronting the reserve should result from implementing the reserve.

Thank you for the opportunity to comment on this important matter.


MARK C. ANDERSON, of the Anderson family

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Sequence number: 1

 The WDFW regulates commercial and recreational fishing in Quartermaster Harbor. At this time we are not certain of the long-term trend of the Quartermaster herring stock, which will require further monitoring.

Sequence number: 2

 DNR Aquatic Resources Division does not manage or regulate private property or the use of private property.

From: Jack Barbash
To: <David.Palazzi@wadnr.gov>, <sepacenter@wadnr.gov>
Date: 8/28/2004 9:59AM
Subject: Comments on WA DNR's proposed mgmt plan for Maury Island AqReserve -- Address and corrected fonts

Dear Mr. Palazzi,

Unfortunately, in my haste to send you my comments on WA DNR's proposed management plan for the Maury Island Aquatic Reserve yesterday, I neglected to include my home address (for your reference purposes). I have therefore included it with my comments below. I've also cleaned up what appeared to have been some erroneous character substitutions for the double quote sign (") and dash (--) that hopefully will remain corrected in the version you receive. Sorry for any confusion that may have caused.


Once again, thank you for all your time and effort on this project.

Jack Barbash


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Subject: Comments on Aquatic Reserve proposals

Thank you for giving the public the opportunity to provide comments on your Draft Management Plan (DMP) and Supplemental Environmental Impact Statement (SEIS) relative to the Maury Island Aquatic Reserve. It appears that the Washington State Department of Natural Resources (WADNR) has done an extensive amount of work to identify and catalogue the myriad ecosystem characteristics of the area to be included within the proposed Reserve. The comments provided below arise primarily from my concerns that the proposed Reserve management plan will not provide sufficient protection for the ecosystems whose characteristics and species composition you have so carefully described in this report.

Before listing my concerns, however, I would like to express my fervent support for the adoption of ALTERNATIVE 3 among the three management alternatives described in the SEIS. Although, as noted on p. 46 of the SEIS, Alternative 3 would not guarantee that armoring of the shoreline will not continue in the future, Alternative 1 provides no such guarantees, either--as noted on page 45, "the DNR has no direct control over armorin  1 processes"--and can only encourage King County to discourage armoring of the shoreline by private citizens. The DNR should be doing this anyway! One of the main advantages of Alternative 3 is that it protects a larger area than

Sequence number: 1

 DNR recognizes the negative impacts of armoring and does not support this practice on state-owned aquatic lands. In addition, WDNR Aquatic Resources Division does not have the authority to manage private property. The ability to protect a larger area was considered when evaluating the boundaries of the reserve. It was felt that this larger area, from Tramp Harbor to Pt. Robinson, only included a portion of a larger drift cell and that it was more important to be able to manage an entire system (drift cell) and avoid a boundary that fragments habitat components.

Alternative 1. Given how precious these areas are, we need to protect as much of them as possible.

Listed below are my principal concerns regarding these documents.

1. Given the critical need to protect the eelgrass beds that are present off the shore of Glacier Northwest's gravel pit--and still recovering from their activities several decades ago--the establishment of this Preserve should automatically prevent Glacier's proposed expansion of their operation, as described on pp. 53-55 of the DMP. Pages 21-23 of the DMP clearly state that no new activities will be permitted in the Reserve that are likely to damage any of the biological resources of the Reserve. Clearly, the proposed expansion of Glacier's operation poses a very significant risk of damaging the eelgrass beds offshore--and therefore should not be permitted. Has Glacier demonstrated--based on operations of comparable scale in other areas--that a barging operation of the scope described on pp. 53-55 of the DMP can be carried out with NO damage to the underlying eelgrass beds? If not, then given that "the objective of the reserve is environmental protection, lease activities within the reserve must primarily serve to protect the environment" (DMP, p. 22), as well as the stated aim that "no net loss--in time or space--of natural resources identified for conservation in Section 4.0 and Appenedix C will be permitted" (p. 23 of DMP), Glacier's proposed expansion of their operation obviously should not be permitted.



2. Given the negative impacts that are known to be associated with the discharge of saline brines from desalination operations, no such discharge should be permitted ANYWHERE in the Reserve. (In the DMP, such discharges are only prohibited in Quartermaster Harbor [p. 28].)



3. Through discussions with people who have lived their entire lives on Vashon-Maury Island, I've learned that the harvesting of geoducks and other shellfish by Indian tribes off the Eastern shore of Maury Island (as well as near Lisabeula off the west coast of Vashon, Tramp Harbor and other places) has been so aggressive in the past that extensive kelp forests have been destroyed. Given the importance of protecting both kelp and shellfish populations (DMP, p. 17), the DNR should aggressively pursue an agreement with Indian tribes for a complete moratorium on geoduck harvesting within the Reserve until it has been demonstrated that the populations of these organisms--as well as the aerial extent of the kelp beds that they once inhabited--have recovered to their extent that they exhibited at the beginning of the 20th century.



4. My understanding of fish farming practices is that ALL such facilities release feed and antibiotics to the surrounding waters--not just "some" of them, as stated on p. 31 of the DMP. Thus, all such activities should be banned from the Reserve unless they are operated without the release of ANY of these chemicals--or fish waste--to the surrounding waters. Furthermore, any such facilities that raise genetically modified fish should likewise be banned from the Preserve, as escape of fish from such facilities is commonplace.




5. Finally, the Management Plan for this Reserve should describe specific measures that WADNR will take to ensure that King County and all other agencies with jurisdiction over land use in the onshore areas adjacent to the Reserve will stop ALL additional armoring of the shoreline adjacent to the Preserve. As you know, Vashon-Maury Island contains most of the last




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Sequence number: 1

 The management plan creates clear criteria that Glacier Northwest must satisfy before Washington DNR will issue a use authorization. Glacier Northwest will have to determine if they can satisfy the conditions described in the management plan, knowing that they're getting a use authorization from DNR is contingent on meeting the conditions of the management plan. Before Washington DNR makes a determination on Glacier Northwest's proposal, Glacier NW must gain regulatory permits from several agencies that are also charged with creating conditions for the protection of the natural environment.


Sequence number: 2

 Washington DNR believes that there is the potential for sufficient flushing offshore of Maury Island that hypersaline discharges may have no measurable impact on the natural environment. It should be noted that Washington DNR would "prefer no direct discharge to reserve area" (Page 28).


Sequence number: 3

 It is difficult for Washington DNR to set goals based on the distribution of kelp at the beginning of the 20th century due to the lack of reliable kelp distribution maps for that time period. The commercial geoduck harvest practices agreed to by both the DNR and the Tribes restricts harvest in areas with eelgrass and kelp.

Sequence number: 4

 Fish farming does typically involve feeding and treating fish with pharmaceuticals. However, not all fish pens are used for raising fish, some are primarily for the storage of fish (these are identified as herring holding in the Draft Management Plan, page 31). Washington DNR recognizes that there are disease dangers associated with fish pens that store fish, and feels it is necessary to restrict this activity during and immediately following fish spawning periods to avoid additional stress on spawning wild stocks.

Sequence number: 5

 The draft management plan identifies that "New shoreline modifications that create environmental impacts ... will not be allowed on state-owned aquatic lands throughout the reserve (Draft Management Plan, Page 47)." This would prohibit new shoreline armoring on state-owned aquatic lands. "DNR will also work in cooperation with adjacent landowners (on a voluntary basis) in efforts to gain support for the reserve and to help reduce impacts caused by shoreline modification; and seek funding opportunities and create incentives for the adoption of best management practices (BMPs) and improvement of shoreline conditions, through "soft" armoring techniques such as beach nourishment, riparian plantings, and other alternative strategies to reduce shoreline impacts (Draft Management Plan, page 61)."

remaining unarmored shoreline in King County. Thus, WADNR should do everything within its power to ensure the implementation of a COMPLETE MORATORIUM on the construction of new bulkheads along the entire shoreline adjacent to the Reserve.



Thank you for reading these comments!

Dr. Jack Barbash

Sequence number: 1



See comment regarding bulkheads above.

Comments on the Draft Supplemental Environmental Impact Statement - Proposed Maury Island Aquatic Reserve

Upon further study and consideration I now agree that Alternative 1 is the preferred choice. The proactive approach to actions such as inventories, research, monitoring, public education, outreach to land owners, securing funding for habitat acquisition and improvement, derelict vessel removal, partnering with other groups and agencies, etc. all lead me to favor Alternative 1. However, I fail to understand why these could not also be included with Alternative 3.



I regret the reduced boundary / area of Alternate 1, but recognize the ecosystem approach is appropriate. I do hope sometime soon the aquatic lands adjacent to Tramp Harbor and Pt. Heyer will be considered for Aquatic Reserve status. We must act expeditiously to protect and restore what little comparatively undamaged habitat remains. Puget Sound's ecosystem is tipping toward total collapse. Some of the indicators include:

- dead zones in Hood Canal and south Sound;
- increasing size, density and duration of algal bloom; and
- more than 30 marine vertebrates declining and at risk of extinction, including the top of the food chain, the orca.

Making aquatic lands adjacent to Tramp Harbor an aquatic reserve might facilitate opening the portage into Quartermaster Harbor and thus improve the habitat there.



Protecting the least damaged habitat remaining in Central Puget Sound should receive highest priority not only for the sake of the ecosystem but also for the benefit of the large urban population who live in close proximity and / or have easy access to this area. Our society needs contact with the natural world for our spiritual, mental and emotional health.

What follows are comments on and suggestions for specific sections of the DSEIS.

Page 2 1.2 Proposed Action - Purpose, Objectives, and Need

The need for this action arises from the nearshore habitat degradation that has occurred in the central Puget Sound basin and the fact that the Maury Island site represents one of the remaining areas in the basin that supports relatively high quality aquatic habitat and species assemblages. A stronger description of the declining health of the Puget Sound ecosystem is needed. More specifics should be given as to the indicators of the decline.




Page 4 1.4.4 Plant and Animal Resources

This section should include other declining species that use the area, ie cormorants, loons, scoters, goldeneyes.




Page: 1


Sequence number: 1

 Alternative 3 describes the current condition and how the site would be treated if there were no change in its management. Currently there is no management plan for the site. Alternative 1 is based around the management plan developed for the site and the modification to the reserve boundary was based upon principles described in the 2002 programmatic EIS..


Sequence number: 2

 Tramp Harbor could be considered in future Aquatic Reserve nomination cycles.

Sequence number: 3

 The description of the health of Puget Sound has been augmented with the following statements. "Puget Sound has experienced significant physical changes to its nearshore habitat as well as population declines in some of its best-known, important plant and animal species. Observed changes over the past century include: human development that has modified one-third of Puget Sound shoreline; 75% declines in intertidal salt marsh habitat since the 1800's; nine of the 10 species listed as endangered or threatened within the Puget Sound region live in the nearshore; three Puget Sound salmon species have been listed as in danger of becoming extinct."

Sequence number: 4

 The section is intended to summarize the description and status of plant and animal resources. Relating to cormorants, loons, scoters and goldeneyes, the section already notes "many other bird species" and the "Important Bird Area" identified by Audubon Society, Washington. A complete listing of plant and wildlife observations is provided in section 4.4 on pages 53-76.

Marine mammals are not particularly abundant may all periodically inhabit
This understates actual marine mammal use of the area southeast of Maury Island. Marine mammals make regular use of the area. Orcas, being considered for listing under the Endangered Species Act (ESA), use the area regularly during the winter. Humpback whales and Northern sea lions, listed under the ESA, use the area regularly. Harbor porpoise, a declining species, use this area. This section should also include Dallís porpoise, seen often in the area.



Page 5 1.4.7 Land and Shoreline Use . . . Development in the area has led to levels of shoreline modification (59 percent of the shorelines) similar to the rest of the Puget Sound. . . . This does not recognize that SE Maury Island is one of the least developed shorelines left in Central Puget Sound. From Edmonds to Tacoma more than 95% of the shoreline has been degraded.



It is estimated that marine riparian vegetation exists along only 11 percent of the WRIA 9 shoreline (excluding Vashon-Maury Islands). (From Habitat Limiting Factors and Reconnaissance Report Executive Summary Green/Duwamish and Central Puget Sound Watersheds (Water Resource Inventory Area 9 and Vashon Island) December 2000)

[B]etween Everett and Tacoma . . . is more than 95% armored. (From Washington State ShoreZone Inventory conducted by the Washington Department of Natural Resources online at <http://www2.wadnr.gov/nearshore/research/index.asp#project19>)

Page 18 3.2.2 Goals and Objectives
Sustaining or increasing the documented extent and species composition of native aquatic vegetation. A biomass index . . . may not decrease due to human-induced impacts The FSEIS should make clear the importance of protecting the existing and naturally recovering native aquatic vegetation. That is, human impacts should not be allowed at a location with the expectation that total biomass will be sustained or increased through mitigation at another site. For example if the biomass at a mitigation site exceeds the biomass loss at a human impact site, this will not necessarily result in a healthier functioning nearshore habitat. Before any human impact with mitigation is permitted a number of questions should be answered, including (but not limited to):




- Has the mitigation proven successful over a sufficient length of time?
- Does the mitigation function biologically, physically and chemically as well as the natural habitat?
- Is the mitigation as biodiverse as the natural habitat?
- Are the species in similar proportion to the natural habitat?
- Does the mitigation fully compensate for the disruption to a continuous or contiguous corridor caused by the human impact?


Given the uncertainties of mitigation and the doubt that human habitat restorations function as well as natural beds, protection of existing beds should be prerequisite.

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Sequence number: 1

 Section 1.4.4 has been revised to reflect these marine mammals have been observed in the area of the aquatic reserve.

Sequence number: 2

 This passage accurately compares the shoreline armoring adjacent to the reserve area to Central Puget Sound. While some parts of Central Puget Sound have much higher levels of shoreline armoring, it is inappropriate to selectively compare this site to a stretch of shoreline that only represents a percentage of the shoreline within Central Puget Sound.

Sequence number: 3

 See final management plan section 5.2.2.20 on pages for discussion of specific management strategies for mitigation. DNR, through the management plan, in cooperation with the regulators (Army Corps, EPA, Dept. of Ecology, King County), intends to assess and address the level of risk associated with a project, that are posed in the reviewer's comments.

Page 25 Table 5: Overview of General Management Strategies for Potential Activity Proposals Fish Pens; Shellfish Aquaculture Fish pens with none native species should not be allowed (for example: Atlantic salmon). This should be true for all aquaculture including shellfish. No chemicals, ie growth hormones, dyes, antibiotics, etc., should be introduced into the natural environment via these facilities.



Page 28 Mitigation and Mitigation Banking Again, before any human impact with mitigation is permitted a number of questions should be answered, including (but not limited to):



- Has the mitigation proven successful over a sufficient length of time?
- Does the mitigation function biologically, physically and chemically as well as the natural habitat?
- Is the mitigation as biodiverse as the natural habitat?
- Are the species in similar proportion to the natural habitat?
- Does the mitigation fully compensate for the disruption to a continuous or contiguous corridor caused by the human impact?

Given the uncertainties of mitigation and the doubt that human habitat restoration functions as well as natural undisturbed habitat, protection of existing habitat should be the highest priority.

Page 29 Specific Management Strategies for Authorized and Pending Uses Glacier Northwest

I strongly object to the assumption of this document that DNR will renew / grant a lease to GNW. No matter what the local (county) decision and or SHB / court decisions DNR should exercise its full authority for appropriate stewardship of the public's aquatic lands. Concerns that should be considered include (but are not limited to):




- eelgrass
- salmon
- forage fish
- geoduck (ie potential reduction in recruitment, reduction in value as harvestable bed)
- potential need to dredge due to spillage
- non-public use (compared to marina)
- disruption of the hydrologic cycle

As stated at *Page 2 1.2 Proposed Action - Purpose, Objectives, and Need*
The need for this action arises from the nearshore habitat degradation that has occurred in the central Puget Sound basin and the fact that the Maury Island site represents one of the remaining areas in the basin that supports relatively high quality aquatic habitat and species assemblages. Further degradation of high quality aquatic habitat for a non-public




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Sequence number: 1

 Section 5.2.2.7 of the draft management plan restricts impacts from fish pens to habitat from the activities identified by the reviewer. Shellfish aquaculture presents a different set of impacts than fish pens. Management is outlined in section 5.2.2.9, which does not allow impacts to aquatic vegetation, substrate, fish migration, spawning and rearing habitat.


Sequence number: 2

 Comment noted. See draft management plan section 5.2.2.20 on pages 44-45 for discussion of specific management strategies for mitigation.

Sequence number: 3

 There is no language in the management plan or DSEIS that makes the assumption that DNR will renew or grant a lease for any activity. The management plan creates clear criteria that Glacier Northwest, and other existing and potential leases, must satisfy before Washington DNR will issue a use authorization. It is possible that Glacier Northwest will not be able or will choose not to satisfy these conditions which would result in Washington DNR denying a use authorization for Glacier Northwest. Before Washington DNR makes a determination on the barge loading facility proposal, Glacier NW must gain regulatory permits from several agencies that are also charged with creating conditions for the protection of the natural environment. The development of the management plan did not revolve around the management of any specific activity, Glacier NW included. The plan was developed to protect and conserve the critical habitat that is unique for the Maury Island site and to manage the site as an ecosystem. The emphasis on trying to restrict one particular use misses this important aspect of the aquatic reserve program. There are other activities in the area that have and will continue to have an impact on the important habitat of the area.

Sequence number: 4

 It cannot be assumed that certain uses will undoubtedly lead to net degradation of aquatic habitat. The management plan contains provisions to avoid such degradation. Further, protection of habitat is the basis for establishing the elements of the management plan for the site. See above comment.

industrial use is inconsistent with the need for this aquatic reserve and should not be permitted.

*Page 40 4.0 Affected Environment and Impact Analysis
Built Environment*

- *Understanding related to science-based relationships between uses and environmental impacts is limited and expanding.*

What does this mean? Would another way to say it be: Science-based understanding of the relationships between uses and environmental impacts is limited and expanding? Or: Understanding related to science-based knowledge of relationships between uses and environmental impacts is limited and expanding?



Page 42 4.1.1.1 Regional Overview

3. Piner Point - Point Robinson Nearshore (also referred to as the east shore of Maury Island). There are several places in this document that refer to the eastern shore of Maury Island that I believe would be more accurately labeled southeastern. To illustrate: Luana Beach is more eastern than Gold Beach or Sandy Shores. Referring to it as southeast recognizes that this is a more south facing shoreline than much of Puget Sound's topography. This may come from my narrow perspective from living on the most southerly facing portion of that shoreline. However, some of the unique attributes (extensive madrone forest, riparian plant community, northwestern fence lizard, exposure to southwesterly storms) derive from the southerly aspect.



Page 43 4.1.1.2 Geology and Soils

In Quartermaster Harbor, tributary streams such as Judd and Fisher creeks also deliver sediments (Appendix E). It would be helpful to label Fisher Creek on the map at Appendix E.



Page 49 4.3.1.1 Marine Water Resources It would be helpful to give a brief explanation of the significance and / or effects of low dissolved oxygen (DO) to the ecosystem.



Page 50 However, the site conditions have not necessarily improved and the site is being removed from the 303(d) list because no recent monitoring has taken place. One hopes with Alternative 1 monitoring will take place.




Page 54 4.4.1.1 Fisheries

Washington DNR classified approximately 28 percent of the shorelines adjacent to the Maury Island site as containing riparian vegetation during the ShoreZone Inventory (Nearshore Habitat Program 2001). This figure (28 percent) should be broken down between the three different Ecological Management Zones to show the difference between Inner and Outer Quartermaster Harbor and Southeast Maury Island. The People for Puget Sound Rapid Shoreline Inventory (Bloch, 2002) might be useful for this information.




Page: 4


Sequence number: 1

 This statement has been revised to say: "The state of scientific knowledge relating to the relationships between uses managed by Washington DNR and their associated environmental impacts is currently limited and continues to expand."

Sequence number: 2

 We realize that a large portion of the shoreline has a south easterly aspect, although the northern portion has a northeasterly aspect. Thus, for the ease of understanding, these components have been grouped and are referred to as the eastern shoreline.

Sequence number: 3


 Figure 2 and Appendix E have been adjusted to reflect the location of Fisher Creek.

Sequence number: 4


This information was added to section 4.3.1.1 in the SEIS.



Sequence number: 5

 The draft management plan describes proposed monitoring in section 5.1 (pages 19-21). It is anticipated that water quality monitoring will be a component of Washington DNR's monitoring efforts.

Sequence number: 6

 Reviewing appendix M, Shoreline Modifications, would indicated that most of the shoreline hardening occurs in most of inner Quartermaster Harbor and roughly 50% of outside Quartermaster Harbor. Since there is a strong correlation between shoreline modification and loss of riparian vegetation adjacent to the shoreline, we can deduct that most of the 28% lies along the eastern shore of Maury Island. The People For Puget Sound Inventory is an inappropriate tool to supplement this information because it selectively surveyed only those properties that granted permission to survey their shorelines.

Page 62 *Sand Lance (Ammodytes hexapterus)*: . . . The sand lance spawning area along the northeastern shore of Maury Island is one of the few sandy-beach areas in which the state has ownership of the intertidal zone. *“Northeastern”* is not consistent with what is shown on the map at Appendix G.



Page 63 *Geoduck (Panopea abrupta)* If DNR were to renew the lease for the gravel barging it would facilitate exploitation and rapid depletion of a nonrenewable at the expense of degrading this valuable renewable, sustainable resource. How will spillage and turbulence from gravel loading affect the recruitment and recovery time of tract 10150 at and down current from the proposed dock?



Page 71 4.4.1.3 *Marine Mammals River Otter (Lontra canadensis)* Otters are often seen on and offshore of SE Maury Island, and have denned under at least one waterfront home of this shoreline.



Harbor Seals (Phoca vitulina) *“Periodically”* understates the fact that harbor seals are often seen from SE Maury Island.



As noted above, this section should include humpback whales, Northern sea lions, harbor porpoise, and Dall's porpoise.



Page 74 *Great Blue Heron (Ardea herodias)* Along the SE shore of Maury Island great blue herons typically feed territorially, jockeying for position, spacing themselves along the shoreline at low tide, forcing off other gbh who encroach too close.

Page 93 *Glacier Northwest ? Maury Island Gravel Barge Loading Facility* The site contains a portable screening plant, dock, and conveyor system. This is not true. There is no usable dock nor conveyor system nor screening plant at this site.



All local, state, and federal permits would have to be secured prior to consideration by DNR of this activity at the Maury Island site. Even if local, state and federal permits were to be secured DNR should exercise its authority for appropriate stewardship and not renew a lease for nonpublic use of the public's lands in an aquatic reserve. Leases for public use - such as marinas - have a public benefit. The gravel barging benefits only a narrow short term corporate interest to the detriment of the public interest in preserving our natural heritage.




Thank you for the opportunity to review and comment on the Maury Island Aquatic Reserve Draft Supplemental Environmental Statement. Please give careful considerations to these comments in your final SEIS

Sincerely,


Pat Collier

Page: 5


Sequence number: 1

 The statement will be corrected to identify the southeastern shore of Maury Island as the area where sand lance spawn.


Sequence number: 2

 Until Washington DNR receives a complete application for a gravel barging facility it is difficult to assess what its potential impacts on renewable resources such as geoduck would be. This would be a component of Washington DNR's evaluation of this or any other proposal within an Aquatic Reserve.


Sequence number: 3

 The regular occurrence of river otters at the Maury site is acknowledged in this section


Sequence number: 4

 The preceding sentence states that "Harbor seals are rather common in the central Puget Sound..." DNR feels that this qualifies the use of "periodically" to describe their presence at the site.

Sequence number: 5

 Section 4.4.1.3 describes the marine mammals that are fairly common or occasionally seen in the vicinity of the aquatic reserve, or in the case of Killer Whales, listed as endangered by WDFW . The four species identified by the reviewer may transit through the area. We are not aware of any documentation that identifies that these species depend on, or extensively utilize the resources or habitat at the reserve site. However, we have recognized observations of these species in Section 1.4.4.

Sequence number: 6

 The text has been updated to reflect the historical use of this area with a portable screening plant, dock and conveyor system, and the proposed future use.

Sequence number: 7

 See previous comments regarding Glacier NW.


Lisa De Faccio
24322 43rd Ave. S.W.
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et


Ms. Jennifer Gitchell
SEPA Center
Washington Department of Natural Resources
P.O. Box 47015
1111 Washington St.
Olympia, WA 98504-7015

July 27, 2004

Ms. Gitchell,

I am writing to express my concerns about the Maury Island Aquatic Reserve being implemented along the shoreline in front of *private properties IN SPITE OF OBJECTIONS FROM THE LANDOWNERS WHOSE ADJACENT PROPERTIES WILL BE EFFECTED*. *The shoreline is already monitored extensively by King County, the Army Corps of Engineers, DNR, Fisheries, local volunteers, and another layer of bureaucracy is redundant.* Having taken several hours to read and respond to the onerous 293 pages of information I was mailed by DNR, my concerns about the designation were further aggravated. I SUPPORT ALTERNATIVE 2, Repeal the Reserve, for the following reasons. 

I have lived on Maury for 27 years and have become completely disenchanted with governmental agencies foisting layer upon layer of bureaucracy upon local property owners without veto power on the part of the property owners affected. Even though, at this point, DNR claims their enforcement to be voluntary and educational, other agencies will certainly use the legislation as an opportunity to further harass landowners and confiscate their property rights without due compensation. The vague, open-ended language in the "recommendations" are dangerous because they leave too much room for other agencies (if DNR does not end up with enforcement powers over adjacent land) to further hassle adjacent property owners. The reserve is yet another an encumbrance  which will ultimately result in significantly more time and expense to adjacent properties. Such an outcome is **unacceptable to the majority of property owners whose land borders the reserve.**

Another layer of regulation is a burden that I am opposed to after personal  experience dealing with the **more than ten agencies** and sub-agencies involved in obtaining an **emergency** seawall permit. The "help" provided by the shoreline regulatory agencies *already in place* meant an incredible expense of **\$42,000 for PERMITS** alone (construction costs were in addition to the permits) required to restore the shoreline

Page: 1

Sequence number: 1



DNR appreciates the time you took to review the DSEIS. We recognize your support for alternative 2.

Sequence number: 2




DNR Aquatic Resources Division does not, and will not in the future, have enforcement powers over non-state owned lands adjacent to the reserve. DNR does not have the authority to control land use regulations enforced by other government agencies. However, King County is promoting a voluntary approach toward reserves in the recent draft of the Comprehensive Plan update.


Sequence number: 3



DNR is not another layer of regulation. DNR has been managing the state-owned aquatic lands, including those within the reserve, since the turn of the 20th century. While we understand the concern you've expressed, DNR's intent under the management plan is to build voluntary cooperative partnerships with adjacent landowners and regulatory agencies to improve the condition of the area.


(eroded by a huge increase in shipping traffic to Tacoma) and keep my 1940's house from falling over the 75 foot bank into the water. The permit process took OVER 1 YEAR. Although the arduous permit process did not stop the obviously necessary bulkhead, it was another opportunity for public agencies to steal money before granting a permit that should have taken a month and cost a few hundred dollars. DDES's extortionist tactics suddenly halted and the permits were immediately granted when an attorney was retained (at ever further expense) to force them to comply with their own regulations regarding issuance of emergency permits. It was obviously very important to DDES's strategy to move slowly and hope for the next big storm that would get rid of the house so they could "protect and restore the environment" by condemning the property as unbuildable using the updated environmental regulations that have been imposed in recent years. **I have had my fill of uncooperative bureaucrats charging \$130 an hour to obstruct LEGAL actions because they are interested in generating the revenue necessary to perpetuate their organizations. Needless to say, my personal experience, combined with the knowledge of others' similar experiences, makes me very concerned about the effects of any additional regulation, no matter how benign it is initially purported to be.**

It would obviously be better for the eel grass, shorebirds and bullheads if my house were not there, but should an existing home be allowed to fall into the water for want of enough money and time to get the required permits? **Aquatic reserve designation will certainly be used by DDES and other agencies as an excuse to deny permits even for maintenance of existing assets.** (My property has already been regulated out of the market if the house burns down – it could not be rebuilt under existing SEPA regulations. The KC council's proposed 60/30/10 actions will make the current layout of my property illegal.) I would prefer not to have to deal with additional headaches in trying to maintain my home.  1


The Maury Island Aquatic Reserve should be a **voluntary incentive program**, with tax breaks for those who will bear the additional cost of using their adjacent property as a result of the increased regulation and limitations. It seems fair that the state should be able to implement the Aquatic Reserve designation where it borders county or state owned lands. In a democracy, though, effected waterfront property owners should at least have the right to VOTE on the designation. There needs to be some means of compensation for lost opportunities to use property as incentive for those who take on the burden of saving the environment for the benefit of all. Since businesses can write off their expenses for permits, etc., when they develop land, they are compensated for their development-related costs. They can also pass associated costs on to their customers in the form of increased prices. However, individual private landowners cannot pass along those costs. **Nor are our property taxes adjusted to reflect the new limitations on land use.** Once again, the costs and burdens associated with increased environmental regulation shall be borne by the middle class, working-for-a-living people who cannot afford the attorneys that businesses can muster to fend off regulators and "work with" multiple agencies. **This well-intentioned reserve plan, when combined with existing agencies and regulations, will further limit property uses that were acceptable when people purchased their land, but which will not be allowed after the reserve is in**  2

Page: 2

Sequence number: 1

 DDES has a responsibility under the Growth Management Act to properly manage critical areas. Whether the establishment of the aquatic reserve initiates some additional regulatory action is King County's decision. Amendments and updates to any King County land management ordinance must be available for review and comment by King County residents.

Sequence number: 2

 Section 5.4 of the management plan identifies only "voluntary stewardship activities" for adjacent property owners. Therefore, the individual landowner will have to consider if they are willing to bear the additional costs associated with voluntary stewardship activities. This section also identifies a management strategy to "seek funding opportunities" as an incentive for adjacent land owners.

place. In doing so, it places an unfair economic burden for environmental protection on adjacent landowners whose property uses will be curtailed.

1

For these reasons, I urge you to TRY the reserve designation ON A LIMITED BASIS IN FRONT OF PROPERTIES WHO CONSENT TO WORK WITH DNR, AND PERHAPS EVEN PROVIDE PROPERTY TAX INCENTIVES FOR THOSE WHO CHOOSE TO PARTICIPATE.

2

Will the vague, open-ended language result in more burdens for my family and me when we want to enjoy the waterfront on which we pay taxes? Definitely. If the reserve regulations will merely “urge cooperation”, reiterate current regulations and make use of volunteers, etc., why bother with it? Obviously, **the ultimate outcome of the reserve will be to make it more difficult for people upland from the reserve to live on their property as they are presently.** Reserve status will give coordinating agencies yet another means of raising revenues and imposing restrictions on those who can least afford to fight to preserve current uses of their property.

The initial interest in making the area an aquatic reserve was by a few vocal Vashon Islanders (most of whom DO NOT own the waterfront land they propose to FURTHER regulate) as a means of blocking Glacier Sand & Gravel’s mining operation. Since Glacier recently acquired the permits necessary to mine their property, the aquatic reserve is too late to impact it. Existing environmental regulations require limitations on their development of the dock, so the reserve will simply be a redundancy, which will adversely effect nearby property owners. If Glacier cannot barge their gravel off the island they will truck it, creating loud traffic and more ferry congestion. It makes much better environmental sense that the gravel be quietly barged off the island once every few days than to drive it tin loud, diesel-spewing, loud, dump trucks along our rural roads where there are bicyclists, children playing and horses being ridden. The increased ferry traffic problems resulting from frequent dump truck runs will be yet another unfair burden impacting all islanders if Glacier’s dock permits are denied.

3

There are literally hundreds of meetings every year on Vashon hosted by public agencies, private organizations, and politicians to acquire “input” from “stakeholders” who will be affected by the decisions made by these organizations. As a person with a child, job, commute and a home to take care of, I find the call to so many meetings exceedingly burdensome. The few of those meetings I can attend invariably leave me with the distinct impression that the issues have already been decided before the meetings take place by parties desiring to further regulate and encumber property they do not even own. I hope the upcoming aquatic reserve meeting will be an exception. The last meeting apparently amounted to nothing more than an opportunity for the agency to go through the motions of allowing “public input” on an issue that had apparently already gathered enough momentum that the suggestions those in opposition would be ignored (judging by how quickly we received the Drafts in the mail). Apparently the true intent of the meeting was merely to check off the box showing stakeholder *involvement* – never mind that the vast majority of those owning property that borders the reserve came to oppose the plan. Good attendance at meetings seems to give governmental agencies the false impression that their new rules are well received and appreciated! I resent

Page: 3

Sequence number: 1



Please see previous comments.

Sequence number: 2

DNR intends to maintain open communications with adjacent property owners, among others, to ensure that the aquatic reserve program is working for everyone. DNR views adjacent land owners as land stewards critical to the success of the reserve.



Property tax is a good suggestion for incentives to property owners, although this is outside of DNRs authority.

Sequence number: 3



The 2004 management plan is not based on managing the Glacier site, but based on conserving the unique habitat features of the Maury Island site as a whole.

REGULARLY having to sacrifice my time to attend meetings in an attempt (usually futile) to fend off the people constantly attempting to “manage” my property and usurp my rights to use it for the uses it was zoned for when I purchased it.



All I can do from here is to hope that when I sell my property it is to some hapless individual from out of the area who is unaware of the myriad of stipulations, regulations and costs associated with the property which I am growing tired of defending. Maybe they will be so environmentally conscientious *and wealthy* that they can afford to remove the house and bulkhead piece by piece, without any adverse environmental impacts (after, of course, spending years obtaining the required permits and navigate the incredible bureaucracy) and return the two acre plot to the “wild”. The tansy ragwort, non-native, invasive Himalayan Blackberries, poison oak, tansy ragwort and a few raccoons, mice, rats and deer will thrive. When the bank sloughs off, temporarily destroying the sand lance, bird egg, lizard and sand flea habitat it lands on) the natural beach building process will be back in action, and the property bordering the reserve will, at last, be in compliance with Reserve and King County regulations and objectives!



Of course, I could be spending my valuable time doing a myriad of things other than writing this letter, but, as futile an attempt as it is, I couldn't sit silently by and watch my tax dollars being spent on yet another well -intentioned, yet misguided, environmental effort. I do not really expect this will be taken seriously or given much more than a cursory read by those of whose jobs depend on increased spending and development of reams of new laws and regulations every year to keep their jobs, but, for the record, here you go!




Sincerely,


Cc: Francea McNair, David Palazzi, Loren Stern

Page: 4


Sequence number: 1

 Public meetings are an important venue to get feedback on proposed government actions and are encouraged under the State Environmental Policy Act (SEPA) and by DNR to provide better public participation and review of agency actions. DNR staff are also available to meet with stakeholders at their convenience.

Sequence number: 2

 DNR believes that the reserve and adjacent residents can co-exist and even benefit one another.

Sequence number: 3

 The Aquatic Reserve Program does not use tax dollars. All monies used by the program are generated directly from the aquatic lands DNR manages.

Comment Sheet

Public Comment Period: July 13 - August 27, 2004

Name: *Bob Dixon*

Address: *22113 Dockton Rd SW, Vashon WA 98070*

Comments:

I am in favor of Alternative 1 with the following considerations:

1. Extend the boundary to include more of Trump Harbor to protect the geoduck population. I have never seen so many. I boats for such an extended time!

2. Analyze the opening of Portage between DM & Trump Harbors for benefit to natural resources. This has been talked about for at least 30 years

3. Grandfather those existing facilities which do not degrade existing conditions but do not allow any further degradation regardless of political pressure.

4. Be certain Management Plan includes representation from Vashon-Maury Islands

Written comments can be left at the sign in table tonight, mailed or E-mailed to the WDNR SEPA Center. Comments must be received by 5 p.m., August 27, 2004.

Mail comments to: WDNR SEPA Center
1111 Washington Street SE
PO Box 47015
Olympia, WA 98504-7015

E-mail comments to: SEPAcenter@wadnr.gov

5. Thanks for the opportunity.
Bob Dixon

Page: 1

Sequence number: 1



At this time the boundary cannot be extended beyond the area of the original proposal (which did not include Tramp Harbor). Others have expressed interest in putting this area into reserve status as well. It can be considered as an addition to the proposed site during a later aquatic reserve proposal cycle.

Sequence number: 2



Interest in opening portage was expressed by several citizens and is identified as a possible research topic in section 5.1.3 of the management plan.

Sequence number: 3



We have identified management guidance for existing uses (facilities) in section 5.2 of the management plan. Our goal is to permit their continuance under the conditions that they not create additional environmental impacts and develop a plan to lessen existing impacts over the 90 year life of the aquatic reserve.

Sequence number: 4



Local citizen involvement will continue to be an important element of developing, updating, and implementing the management plan.

August 23, 2004

To: Jennifer Gitchell,
SEPA Center

From: Robert J. Gerrish
28251 Manzanita Beach Road SW.,
Maury Island/ Vashon, WA 98070

Reference: Proposed Maury Island Aquatic Reserve

Dear Ms Gitchell,

Unfortunately I was not able to attend your meeting on August 10th, however, I would like to make my input with this letter.

I have been a resident on Quartermaster Harbor for over twenty four years and have never seen the general environment, (harbor water, marine life, plants and wildlife), in more pristine condition that it is today. Creating the proposed reserve at this time could not benefit the harbor and will inevitably lead to more bureaucracy. Bureaucracies always believe they have to create regulations to justify their existence which inevitably leads to hardship for property owners.



It is my sincere belief that the property owners around Quartermaster Harbor are the most responsible people where environmental issues are concerned and that all funds planned to establish this aquatic reserve would be more wisely spent on other projects in other areas. With this belief, at this time, Alternative 2 (Repeal the Reserve) is my recommendation on how to proceed.



Sincerely,

Robert J. Gerrish

Page: 1

Sequence number: 1



The justification for the proposed reserve was established by a technical advisory committee not affiliated with WDNR and based on the existence of the unique habitat and species present at the Maury Island site.

Sequence number: 2



DNR acknowledges the support for alternative 2.

To Whom it may concern:

Subject: Proposed “Maury Island” Aquatic Reserve

The concept of this proposed reserve began because some residents of Gold Beach on the southeast shore of Maury Island wished to prevent Glacier Sand and Gravel from removing gravel from Glacier’s property. They enlisted environmental groups to assist them. No special interest groups, whether they are well meaning environmentalists or others with radical agendas, should be allowed to influence a government agency to this extent. This is no justification for the Dept. of Natural Resources to add another layer of regulatory bureaucracy to the restrictions already in place. If the DNR wishes to establish an aquatic reserve to prevent gravel from being removed from long established gravel pits on Maury Island, then that reserve should be in that specific area, not in Quartermaster Harbor. (I object to the formation of any aquatic reserve titled “Maury Island” when the proposal encompasses all of Quartermaster Harbor including a large portion of Vashon. DNR representatives state that tax money will not be used to establish or maintain the proposed reserve. I see no distinction between using money raised by the DNR from the fees they charge or in taxes on my property. Any money diverted to this proposal is less money available for more worthy uses. In my opinion, if this reserve is established, it will have been for the wrong reasons and in the wrong place.



Lyle D. Hansen

Page: 1

Sequence number: 1



The reserve is being proposed, and the management plan written, to protect and conserve important regional aquatic habitat and has not been developed in response to specific existing or proposed uses. This present effort to establish the site as an aquatic reserve is not an effort to prevent the gravel mine from operating. The reserve encompasses the shoreline on both sides of Maury Island, hence the name.



King County

Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

201 South Jackson Street, Suite 600

Seattle, WA 98104-3855

206-296-6519 206-296-0192 Fax

August 20, 2004

Jennifer Gitchell

SEPA Center

Washington Department of Natural Resources

PO Box 47015

1111 Washington Street SE

Olympia, WA 98504-7015

Dear Ms. Gitchell:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement (SEIS) for the Maury Island Aquatic Reserve and the July 13, 2004 Draft Management Plan. I am writing to express my support for Alternative 1 (preferred alternative) in the SEIS to establish an Environmental Aquatic Reserve at the Maury Island Site. King County Water and Land Resources Division (WLRD) also supports establishing an Aquatic Reserve Draft Management Plan with our comments on the Draft Management Plan contained below.

Establishment of the Maury Island Environmental Aquatic Reserve is an important step in recognizing, protecting, and managing the regionally important natural resources within the reserve. King County WLRD looks forward to working with Washington State Department of Natural Resources (WDNR) Aquatic Reserves Program, the Vashon/Maury Island Community, and other agencies and groups to maintain rural resources, lifestyles, and uses compatible with maintaining sustainable natural resources in and adjacent to the reserve.

Draft Management Plan Comments


4.5.1 Physical Resources

The draft management plan lists an objective to decrease shoreline hardening to less than 30 percent within and around the reserve. What is the current percent of armoring within and around the reserve? Knowing the current level of armoring would help as to whether or not the 30 percent objective is reasonable or best fits with managing the natural resources of the reserve.



Page: 1

Sequence number: 1

 The management plan states on page 84 "An estimated 13.75 miles or 57.6% of the shoreline within the reserve has been hardened or modified." By hardening Washington DNR is referring to structural stabilization measures with solid, hard surfaces such as concrete bulkheads. 'Soft' structural measures that rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement would be considered areas that are not hardened.

5.0 Aquatic Reserve Management

“Since most of the long-term goals and management strategies for the reserve depend on understanding the baseline ecological conditions within the site, a major emphasis during the first ten years of reserve designation will be placed on establishing these baseline conditions.”

King County and many other agency and local jurisdiction partners have been compiling marine and nearshore conditions in and near the Reserve as part of the Salmon Recovery Conservation Planning efforts over the past 4 years. We would like to work with the WDNR Aquatic Reserve Program to share existing data and coordinate on future data collection to best utilize all parties monetary and staff resources in establishing the Reserve’s baseline conditions.

1

5.2.2.1 Stormwater Outfalls

This section is unclear about the difference between outfalls and discharges. There are an unknown number of locations where stormwater currently discharges into marine water around Maury Island. Stormwater runoff originates in forest, tilled, pasture, building, landscape and paved areas. Most of Maury Island is forested, with pasture being the next most common surface. Less than 10 percent of the island is covered with impervious surface. There is little formal stormwater infrastructure. Much of the runoff is sheet flow that ends up in ditches and streams. The ditches and streams cross under roadways in culverts, and some flow is piped down steep slopes to the nearshore.

Much of Maury Island has outwash soil that infiltrates well, but a large portion of the island is mantled with glacial till, which infiltrates poorly. With the exception of existing small lots in Dockton, Gold Beach and Sandy Shores and on parcels adjacent to the nearshore, most of Maury is rural zoned at 5 and 10-acre minimum.

The management strategy described in the draft plan states that outfalls on state-owned aquatic land will not normally be allowed. *The plan should note that some outfalls may currently exist and that existing outfalls will be allowed to remain.* The plan states that WDNR would prefer no direct discharge to the reserve area from Piner Point to Point Robinson. *The plan should state that direct discharge currently exists and that given the glacial till soils and steep slopes in the upland area, it is not feasible to have no direct discharge. Infiltration is the preferred method of managing stormwater, but steep slopes and till soils may make infiltration unfeasible in many locations. Maintaining a high proportion of forest cover and low-density zoning is a very effective way to maintain a healthy surface water regime. Stormwater runoff from new impervious surfaces should be infiltrated and dispersed in upland areas to the maximum extent feasible to reduce storm flows and improve water quality.*

2

5.2.2.10 Marinas and Public Docks

King County Shoreline Management regulations do not allow marinas to be permitted in Conservancy environments.

3

5.2.2.11 Breakwaters

King County Shoreline Management regulations do not allow breakwaters to be permitted in the Rural and Conservancy environments both of which encompass the whole Aquatic Reserve area. The stated reserve management strategy of allowing breakwaters within the reserve as stated in this section would create a conflict with County Code adopted to implement the State Shoreline Management Act.

4

Page: 2

Sequence number: 1



Washington DNR recognizes the existing research and monitoring initiatives and hopes to work as a cooperative partner with these initiatives.

Sequence number: 2



Comments will be reflected in text.

Sequence number: 3



Recommended clarifications will be reflected in text.

Sequence number: 4



Any breakwater placed on state-owned aquatic lands managed by Washington DNR must also comply with King County's Shoreline Management regulations. The text will be clarified and the conflicting text will be removed.

5.2.2.19 Voluntary Restoration and Enhancement

King County through it's Rural Drainage Program and salmon recovery planning efforts looks forward to working with WDNR on voluntary restoration and enhancement activities and projects on reserve lands and adjacent properties that will provide a positive environmental change.



5.2.3 Specific Management Strategies for Existing and Pending Uses

It would appear that a key reserve management tool to assuring positive environmental change to existing permitted uses within the reserve is a comprehensive resource-monitoring program. The monitoring program will need to document both detrimental and benign uses, monitor their change or lack of it and provide the data to deny future use if the change in a detrimental practice isn't forthcoming.



5.3.3 Aquatic Nuisance Species Management

The specific references to invasive species threats and management actions could be augmented to better reflect the needs of the Aquatic Reserve. The discussion would also benefit from a few good general principles of invasive plant management. For example, the management strategy described on page 64 should recommend a focus on frequent surveying, early detection, and rapid response for any new infestations. This is how spartina has been kept out of the area.



5.3.? Derelict Fishing Gear Removal

WDNR should develop a new section here to allow the removal of derelict fishing gear in the Aquatic Reserve. This new section would be similar or compatible with protocols and reporting system developed by the Northwest Straits Commission.



5.4 Private and Public Land Adjacent to the Aquatic Reserve

The Aquatic Reserve management plan correctly states that most of the upland areas surrounding the reserve are in private ownership. King County established the Rural Drainage Program (RDP) in 2000 to address a variety of water related issues identified in rural areas, which in Maury Island's case will help, improve terrestrial and aquatic land conditions adjacent to the reserve. The RDP funding focuses primarily on private property and includes a groundwater management program, drainage complaint resolution, drainage and habitat projects, water quality enforcement, conservation of high quality natural resource lands, assistance with forest and agricultural land management, and stewardship services. King County WLRD looks forward to coordinating with WDNR to see how our existing programs can assist WDNR in maintaining or enhancing the public resources of the Aquatic Reserve.




6.0 - 7.0 Adaptive Management and Capital and Management Funding

To assure successful implementation of the Maury Island Aquatic Reserve it is essential that the Reserve Management Plan be adequately funded, staffed, monitored, and managed. This is critical in order to accomplish Reserve Management Plan objectives through working partnerships with adjacent landowners, tribes, agencies, and local jurisdictions.




Page: 3


Sequence number: 1

 DNR will work closely with the RDP when implementing the management elements for voluntary restoration and enhancement.


Sequence number: 2

 We will include this recommendation as we develop our monitoring plan with King County.


Sequence number: 3

 The management strategy discussed on page 59 of the management plan has been adjusted to reflect strategic focus on early detection and removal.


Sequence number: 4

 Derelict Fishing Gear Removal qualifies as a type of Voluntary Restoration and Enhancement and therefore is covered by the management strategies described in section 5.2.2.19.

Sequence number: 5

 DNR will work closely with the RDP when implementing the management elements for voluntary restoration and enhancement.

Sequence number: 6

 DNR agrees and has requested funding for implementation of the management plan and management of the site. We will work with all those identified by the reviewer.

Appendix B

Need to add another King County bullet for the Seattle/King County Health Department, Environmental Health Division. They are the lead entity for septic systems on the lands adjacent to the Maury Aquatic Reserve.



Appendix C, 1.2.1, Freshwater Hydrology

The July 2004 Vashon-Maury Island Rapid Rural Reconnaissance Report has divided Maury Island into watersheds. This is shown on Figure 7-1 and is based on a 2002 stream inventory conducted by Washington Trout and available on their website. In December 2003, WLRD staff observed spawning adult chum salmon in Raab's Creek at Dockton Road and coho in Mileta Creek at Dockton road both streams are on Maury Island draining to Quartermaster Harbor.



Conclusion

King County WLRD supports Alternative 1 (preferred alternative) in the SEIS for the Maury Island Aquatic Reserve. We also look forward to working with WDNR in implementing the management plan for the Reserve since there are many opportunities to coordinate the resources of our two agencies. If you have any questions regarding this letter or the comments herein please contact Ray Heller, Vashon-Maury Island Steward at 206-296-8391. Thank you for the opportunity to comment.



Sincerely,



Daryl Grigsby
Division Director

DG:vd


cc: Bill Eckel, Manager, Land and Watershed Stewardship, Water and Land Resources Division (WLRD), Department of Natural Resources and Parks (DNRP)
Clint Loper, Manager, Watershed Stewardship Unit (WSU), WLRD, DNRP
Ray Heller, Vashon-Maury Island Basin Steward, WSU, WLRD, DNRP
Steve Foley, Engineer, Stormwater Services, WLRD, DNRP
Steve Burke, Manager, Noxious Weed Unit, WLRD, DNRP
Randy Shuman, Manager, Science, Monitoring and Data Management - Scientific and Technical Support Section, WLRD, DNRP

Page: 4


Sequence number: 1

 Seattle/King County Health Department Environmental Health Division has been added to the description of other managers contained in Appendix B.

Sequence number: 2


 DNR will include this information in section 4.1.1, Salmonids in appendix C.



Sequence number: 3

 We appreciate King County WLRD support and look forward to working with King County staff as we implement the management plan.

From:
To: <SEPACenter@wadnr.gov>
Date: 8/26/2004 3:08PM
Subject: Proposed Maury Island Aquatic Reserve

Public Comment:

I believe at least a few minutes of the Public Hearing should have been devoted to a comparison/explanation of the proposed management alternatives, as was requested. Without that, those of us who had not had the opportunity to fully digest the tomes of related hard copy were robbed of our ability to comment thoughtfully and constructively, leaving the field to shoreline property owners and other property rights folks who had no trouble identifying the hands-off, #2, as their preferred. 1

I appreciated getting the Aug. 12 summary, therefore, but again comparison was very difficult because only the preferred alternative, #1, was not fleshed out. For Leading & Partnering Activities, and for Outreach to Adjacent Landowners, "specific areas of work are not defined" for #3. It is extremely disappointing to me when we have waited so many months to get to this point. I will, therefore, not deal in specifics, but comment that I support whatever management practices will do the most to preserve this Reserve in the most ecologically pristine way. It was chosen for a Reserve (twice) because of its unparalleled biological resources. I would deem all consumptive (extractive) leasing -- for fish, gravel, or other natural resource -- to be incompatible conservancy uses and strongly urge against allowing them whether they are new or existing. 2 3

Ellen Kritzman

Page: 1

Sequence number: 1



The draft SEIS was issued on July 13 and the public meeting was held on August 10 with the intention of providing people with adequate time (28 days) to review the documents prior to the hearing. There were a total of 45 days provided for public review of the DSEIS and management plan. Also, comments made during the public hearing carry no more weight than the written comments submitted regarding the DSEIS.

Sequence number: 2



Under alternative 3, no specific partnering and outreach activities would be defined.

Sequence number: 3



Section 5 and appendix O of the management plan were established to promote conservancy at the site and define compatibility with reserve designation.

From:
To:
Date: 8/25/2004 4:13PM
Subject: Maury Island Aquatic Reserve

Phil,


I wanted to put in my two cents but felt I could not do so at the public hearing because I hadn't fully read the documents, and no comparisons were made that night, unfortunately. Therefore it was good to get the hearing summary mailed out about 10 days ago. I am still having some trouble, however, because only the first, preferred, alternative is really fleshed out. I like the pro-active approaches proposed in #1, but don't quite know how to evaluate them against #3, where specific areas of work are not defined. The reverse seems true with regards to management of leases, where #1 is "based on a set of established criteria", but those criteria are not stated, while #3 is based on existing state mandates and guidance, and the Aquatic Reserve FEIS. Could you tell me whether leasing is permitted under both options, or only #1. Does compatability of a lease operation with ecological conservancy and Reserve purposes play a role?

Thank you,


Ellen Kritzman

Page: 1

Sequence number: 1

 The critical difference between options 1 and 3 is that alternative 1 would include the proposed management plan and a slightly reduced reserve boundary, while alternative 3 would include the original boundary from the 2000 commissioner's Order and would not include site-specific management guidance.


Sequence number: 2

 The criteria are in section 5.2 and appendix O of the management plan.

Sequence number: 3

 Neither option 1 or 3 precludes DNR from considering a lease.

Sequence number: 4

 Yes, the management plan defines the criteria that users must adhere to in order to be considered compatible with the reserve.

Aug 10, 2004





Ref. File No. 03-100801


To: Rochelle Doss, SEPA Center

From: Paul W Lemley DMD
Property Owner on Quartermaster Harbor

Subject: Proposed strategies for a Maury Island Aquatic Reserve

I am responding to your mailing of July 13, 2004
Many questions have come to mind since receipt of this letter

1. Why does the state think that more management of these waters over and above the already existing laws necessary?  1
2. What will be the impact on the historic recreational use of the harbor, fishing crabbing, and water skiing?  2
3. What about existing bulkheads repair etc?  3
4. Then there is Dockton Park ,Jensen launching ramp, the local Yacht club, Camp Burton , private buoys,floats?
5. And I am sure the list will go on, also what are the costs to the private homeowner and why should this be any extra expense?  4

I wont be able to attend the Aug 10th meeting but I feel that these and other questions must be answered before any type of additional management be implemented.
Also in Alternative 3 please explain "Withdrawn area"  5

At this time no action should be taken except Alternative 2.


Sincerely




Paul W Lemley DMD
9323SW Quartermaster Dr
Vashon WN. 98070

Page: 1


Sequence number: 1

 The site is being proposed as an aquatic reserve to ensure environmental protection of the unique habitat and species at the site. The draft management plan identifies the specific actions that DNR would implement in its management of these state owned lands.


Sequence number: 2

 If successful, the management actions proposed for the site will improve habitat conditions and enhance fish and crab stocks.


Sequence number: 3

 This action primarily occurs on private property, which is not part of the reserve nor management by DNR. King County manages bulkhead construction and repair.

Sequence number: 4

 There have been no costs to the private homeowner associated with establishing the aquatic reserve.

Sequence number: 5

 "Withdrawn area" implies that no future use authorizations would be granted that alter, remove, and /or otherwise change any existing environmental or cultural characteristic of the reserve, except for use authorizations that primarily serve the objectives of the reserve designation.

August 27, 2004




Ms. Jennifer Gitchell
SEPA Center
Washington Department of Natural Resources
P.O. Box 47015
111 Washington Street SE
Olympia, WA 98504-7015
sepacenter@wadnr.gov

Dear Ms Gitchell:


The proposed management plan for the Maury Island Aquatic Reserve as set forth in the “Draft Supplemental Environmental Impact Statement” of July 13, 2004, represents a considerable expenditure of time and effort by DNR and the personnel involved. The result is extremely complex and difficult to provide adequate analysis and comment. On the one hand, the proposal simply ratifies DNR’s responsibilities for balancing exploitation of the reserve lands with environmental protection of the same lands.

The “preferred alternative” tries to do both. In providing continued leases for existing leases and condoning existing non-conforming uses, the muscle of the reserve designation is lost. On the other hand, the turmoil and community opposition that would be generated by denying leases currently enjoyed and pursuing a heavy handed approach to existing uses (buoys, docks and such) would deny the obvious advantage of the reserve designation.

I have been opposed to the expansion of Glacier Northwest’s mine on Maury Island. There are a number of inaccuracies in your description of the current operation which should be corrected;

1. Page 93, “Glacier Northwest – Maury Island Gravel Barge Loading Facility” inaccurately describes the current situation of the mine. Mining is not allowed on any previously undisturbed property on-site to avoid toxic laden over-burden. 1
2. There is no screening plant, and no conveyor. 2
3. The dock was declared unusable by the Army Corps of Engineers years ago. 3

These inaccuracies have been corrected in the many environmental documents submitted in Glacier’s applications for permits since their original application. These inaccuracies should not appear in a current environmental document.

The Management Plan includes these inaccuracies. Page 53, 5.2.3.4, “Glacier Northwest’s Maury Island Gravel Barge Loading Facility”. In addition, the second 4 bullet, page 55, same section notes limits on construction, maintenance and operational noise be eliminated during forage fish spawning periods “if facility is located in or near spawning areas.” As was developed by the Washington Department of Fish and Wildlife, herring spawn takes place along the Eastern shore of Maury Island to a point north of the Glacier dock. This position was listed as an option for the boundaries of the reserve as recommended by members of the TAC. Since this spawn has been established and is included in DNR’s own findings, the limits recommended should be made a part of any lease granted Glacier.

Page: 1

Sequence number: 1



These corrections will be made in the FSEIS.

Sequence number: 2



This has been clarified in the management plan and FSEIS.

Sequence number: 3



DNR is not aware of an Army Corps declaration about the condition of the dock.

Sequence number: 4



The conditions in the management plan will be required of Glacier, as well as any other existing and proposed uses in the reserve.


As I indicated at the outset, this is a difficult proposal to understand and will be even more difficult to effectively administer. The talent is obviously available in DNR as it is in the communities around the reserve, but it will take considerable effort by the community, King County and DNR to make it work. I support the reserve concept and the recommendations for Alternative 1, but think we have made this whole process overly complex and onerous.



Very truly yours,

Donald W. Marsland

Sequence number: 1

 We appreciate your support. DNR's approach to implementation would be based on taking the time and acquiring the necessary resources to effectively manage the site to protect the critical aquatic resources at the site. DNR acknowledges your support of alternative 1.

August 9, 2004

Department of Natural Resources
Attn: SEPA Center, Maury Island Aquatic Reserve
PO Box 47015
Olympia, WA 98504-7015

I would like to offer my public comment on the issue of establishing an aquatic reserve at the Maury Island site.

I have been a private landowner of a beachfront cabin inside Quartmaster Harbor for many decades. My family and I have been responsible advocates of tending to the environment in all aspects of our maintenance and repair of the home and bulkhead. We have not witnessed any serious degrading of the marine wildlife in front of our place and do not see the necessity for the government to take over it's management.



Our vote is for **ALTERNATIVE 2 - NO RESERVE STATUS at the Maury Island Site.** **DNR should repeal the existing reserve designation and return the state-owned lands to general leasing status.**



I feel that the plan being proposed would lead to regulations and restrictions affecting the private property rights of U.S. citizens such as myself who own and care for our valuable waterfront residences.




Respectfully,

George Mael

cc: Doug Sutherland, Commissioner of Public Lands
King County Council, Critical Areas Ordinance
Governor Gary Locke

Page: 1

Sequence number: 1


 Good stewardship, as expressed by the reviewer, is important to the success of conserving the aquatic habitat of the reserve. The reserve program is based on preserving critical local, regional, and state habitat not on the condition of the habitat. DNR has managed state-owned aquatic land since the beginning of the 20th century (see reviewers second paragraph).

Sequence number: 2

DNR acknowledges the support for alternative 2.



Sequence number: 3





 The aquatic reserve management plan states that DNR Aquatic Resources Program does not manage private property. The management plan proposes that property owners voluntarily practice good stewardship to compliment the important resources on adjacent public lands.

August 27, 2004

Ms. Jennifer Gitchell
SEPA Center
Washington Department of Natural Resources
P.O. Box 47015
111 Washington Street SE
Olympia, WA 98504-7015
sepacenter@wadnr.gov

Dear Ms. Gitchell:

The following are comments from Preserve Our Islands regarding the draft management plan and Draft Supplemental Environmental Impact Statement for the Maury Island Aquatic Reserve.

- a) It is Preserve Our Islands' position, as it is King County's position, that Glacier's proposed industrial pier within the aquatic reserve is **not** a water dependent use. This issue is still before the courts and we believe that is the appropriate venue for this determination.  1
- b) We concur with DNR's position that Glacier's proposed facility on Maury Island is an "industrial pier." As such, it should not be allowed in a conservancy environment. We support King County's position that this is an industrial/commercial use and that the facility should not be allowed in a conservancy environment.  2
- c) We concur with DNR's approach that the management plan should involve working with willing adjacent landowners and the community on restoration projects and to ensure that recreational uses are optimized. This further emphasizes the reason that Glacier's proposed barging facility should not occur within the reserve, due to the recreational uses at the site, i.e. diving, recreational boating, kayaking, birdwatching, etc.  3
- d) In the recent shorelines hearing regarding Glacier's appeal of King County's denial of their permits, Glacier Northwest presented an appraisal to the Shorelines Hearings Board showing the value of the current barging facility, in its current condition, as \$20 million. While Preserve Our Islands does not concur with this valuation, nor does King County, it is clear that Glacier Northwest should be providing their appraisal to the Commissioner and should be amenable to paying back lease payments based on their valuation.  4

Since 1978 Glacier has paid less than \$500 per year to WADNR for use of these valuable public tidelands. As noted before the Shorelines Hearings Board, based on Glacier's valuation of their current non-serviceable dock, the multinational should have been paying approximately \$133,000 per year to WADNR for the privilege of having their industrial

Page: 1

Sequence number: 1



The Shoreline Hearings Board partial summary judgement of August 10, 2004, Issue 6(b) determined that the Glacier pier is a water dependent use. This is pertinent to the King County permit. Based on the definition in Chapter 332-30-106(75), DNR defines Glacier's proposed facility as a "water dependent use." (terminal and transfer facility).

Sequence number: 2



This definition is relevant to King County regulations and will guide their decision about the appropriateness of the pier. We have changed "industrial pier" to "resource use" in in the FSEIS and management plan to be consistent with King County defining the facility as "mineral". DNR leases must however, be consistent with local permitting requirements. Presently the Shoreline Hearings Board is determining if the pier is an appropriate use in a conservancy environment.

Sequence number: 3



With the exception of the footprint of the pier, both the existing and proposed, very little area will be excluded (if any) from other public uses.

Sequence number: 4



This issue is not pertinent to the management plan.

barging facility on these tidelands. Due to the difference between actual lease payments which were made and the valuation which the multinational has now placed on their facility, it is critical that the Commissioner consider requesting back payments from Glacier N. W.




Sincerely,

Libby McLarty
President
Preserve Our Islands.

Cc: Francea L. McNair, Aquatics Land Steward
Commissioner of Public Lands Doug Sutherland
King County Executive Ron Sims
Kathy Fletcher, Executive Director, People for
Puget Sound
Ellen Kritzman, Vashon-Maury Island Audubon



Sequence number: 1

 Rent and back rent (if due) will be determined prior to issuance of an authorization if the project goes forward.

From: "Meriwether, Frank" <Frank.Meriwether@DOH.WA.GOV>
To: "Dave Palazzi (E-mail)" <David.Palazzi@wadnr.gov>
Date: 7/20/2004 10:28AM
Subject: Maury Island Mgt Plan

Hi Dave,

The Tacoma News Tribune had a good article yesterday on the work that your office is doing at Maury Island, with good links to the draft plan. I read through some of the 7/13 Draft Mgt Plan for the Maury Island Env. Aquatic Reserve, and have two comments in Section 5.2.2.10 (Marinas and Public Docks):

- The Department of Health establishes closure zones around marinas, including marinas with pumpout facilities, and including marinas that have a watch person or harbormaster on site. These closure zones are mandated by the National Shellfish Sanitation Program.  1
- We appreciate and support the mandate by DNR to require all new marinas to have pumpout facilities and to adopt BMPs. Is this a DNR policy? If so, I would like to get a copy of that requirement.  2

Thanks for the opportunity to comment, and for your assistance,

Frank Meriwether
(360)236-3321
Fax: (360)236-2257
frank.meriwether@doh.wa.gov

"Public Health - Always Working for a Safer and Healthier Washington."

CC: "Woolrich, Bob" <Bob.Woolrich@DOH.WA.GOV>

Page: 1

Sequence number: 1



We will recognize the closure zones in the management plan in section 5.2.2.10.

Sequence number: 2



This is not a DNR policy. This is a management action drafted for marinas at the Maury Island site.


From: "Ron Mitchell"
To: <SEPACenter@wadnr.gov>
Date: 8/11/2004 4:38PM
Subject: Vashon-Maury Commentary RE: File No. 03-100801



Doug Sutherland
Washington State Commissioner of Public Lands
C/O
Rochelle Goss / ET All Staff SEPA Center.


August 11, 2004

Re: Written Commentary pertaining to the draft version or the proposed aquatic reserve affecting Vashon-Maury Islands King County Washington.

Dear Mr. Sutherland,

The following should be considered a specific request involving the decision of the Vashon-Maury aquatic reserve proposal. Myself as well as many other concerned citizens within the Vashon-Maury community have evidence that the Glacier Mining opposition group specifically influenced the conception and creation of this reserve. Based upon past and present experience of 1 wasteful and reactive governmental bodies affecting our area, a decision to create such a reserve will become a hardship and will likely cause financial damage resulting in negative consequences. These consequences will be caused specifically due to direct and peripheral affects stemming from the creation of this reserve and management plan. This plan appears to have been intentionally written with the vagueness of an item with hidden agendas. These affects are not listed within any of your studies, submittals and have not apparently been a part of your investigations.

The residents of Vashon-Maury Islands that will be forced to endure this hardship are the same residents that have contributed to the proven positive recovery to our islands water ecosystem over the last 10 to 20 years. You 2 as the commissioner of public lands must consider not only the fiduciary affect of your project but must create a balance between the environment and the people of which exist and pay for its protection. As member of organizations that contribute to environmental concerns, it has been repeatedly proven that Education and positive involvement is a much more productive approach to your objective. A forceful bureaucratic and damaging approach only raises additional concerns that some unknown persons will 3 intentionally disregard your newly found reserve with such disdain that it will undo the very thing you are attempting to accomplish.

I formally request this issuance of "Alternative # 2 (No Reserve Status)" as listed within the August 10, 2004 public hearing. I am as others many others within this community do not believe that additional bureaucracy and controls, including the cost to monitor manage this new undeveloped system is an appropriate use of public funds. It would seem that a better use of 4 these said " already appropriated " funds would be better used to improve sites with known failing environmental conditions, not an area that is environmentally improving.

The below list are bullet point list of questions I and others have compiled awaiting direct response information and/or answers:

Page: 1

Sequence number: 1



In depth review is based on programmatic criteria described in the Non-Project Final Environmental Impact Statement - Aquatic Reserves Program Guidance. September 6, 2002. DNR believes the reserve will have a positive impact on the environment and local community.

Sequence number: 2



State-owned aquatic lands are managed as a public trust, not a fiduciary trust. State law directs the DNR to manage state-owned aquatic lands for a balance of public benefits which are described in Section 2 of the management plan.

Sequence number: 3













Education and outreach are part of the management plan, described in section 5.3.5.


Sequence number: 4





DNR acknowledges your support of alternative 2. Protecting existing habitat is more efficient than improving degraded habitat.

- * How much has been spent to date on this specific project? 
- * What is the proposed annual expected cost of the proposed management? 
- * Why was this area extended from the original proposal "South Eastern shoreline of Maury Island"? 
- * What programs have been created to stop the continued damages to Puget Sound in target damage areas specifically Urban Municipalities and their impact? 
- * If there are systems in place to the (above mentioned) question, why are they not the focus of action? (Because they are not working) 
- * As Washington State is in a severe budget deficit, how do you plan to pay for and administer this plan? 
- * Why have your studies included peripheral affect? i.e. Stepping-stones by other bureaucracies for more enforcement. 
- * What comparatives have been made from existing compliant requirements from other agencies? 
- * Due to the affect of the endangered species act on Puget Sound from the federal government, why has not methods to reverse, suspend or amend the older legal decisions the continued unmonitored harvesting been investigated? 


(Statement for contemplation) We are spending millions to remove productive dams to facilitate federal requirements. Yet the unmonitored harvesting by specific ethnic groups using the most modern of means is solely based upon a treaty issued at a time there were no endangerment concerns and harvesting was performed using dugout canoes and hand made nets. Could it be possible that for the welfare and entitlement of all the federal recognized endangered mandates could be helpful in controlling the unbalanced taking of a natural resource? 

* How many authorized artificial reefs does the DNR endorse and are there specific guidelines? 

* Are there any plans to open the isthmus (a man made closure) between Vashon-Maury Island? 


* Why is the use and replacement of existing pilings docks and other structures streamlined with a co-agency permit process that encourages the use of materials beneficial to the environment? 

(Statement for contemplation) The present system is anti-development and is unfriendly costly and cumbersome causing the reverse (non-approved installations). This has been an attitude carried the far extreme with threatening letters and actions by persons within all agencies to the general public.


* Relevant to the statement above, It would seam again this is policy though it is common recognized knowledge that sea life is attracted and benefits 

Page: 2


Sequence number: 1

 Cost include staff time, printing costs, travel and meeting room rentals for the last 16 months. This amounts to roughly \$100,000.


Sequence number: 2

 Section 7.0 of the management plan outlines a proposed capital and management funding. It estimates that one staff person will be working part time to manage the site (roughly \$25,000/yr.). Funding for research, monitoring, specific projects, acquisition and other elements proposed in the management plan will be determined when these specific components are implemented.


Sequence number: 3

 The original area included Quartermaster Harbor as well as the eastern and northeastern shore of Maury Island. See Appendix C on page 138 of the DSEIS.


Sequence number: 4

 These efforts have primarily been implemented through changes in local, state, and federal land use regulations.


Sequence number: 5

 The management plan states that DNR would work cooperatively with regulatory entities(ie., King Co., WDFW, Ecology)


Sequence number: 6

 The budget for the aquatic reserve does not utilize state general funds. DNR will fund the administration of the management plan through rents collected from the use of state-owned aquatic lands.

Sequence number: 7

 DNR's studies have not included a look at a "peripheral affect." DNR does not have any authority over the regulations developed by other agencies. However, DNR does support a coordinated effort with other local, state, federal and tribal agencies to support the conservation of the unique resources identified at the Maury Island site.










Sequence number: 8


 We have considered other regulatory authority in the development of the management plan to avoid duplicity and this effort would continue throughout implementation of the management plan.


Sequence number: 9


 Fisheries are managed for the state by WDFW and outside the scope of the proposed action.


Comments from page 2 continued on next page

- * How much has been spent to date on this specific project? 
- * What is the proposed annual expected cost of the proposed management? 
- * Why was this area extended from the original proposal "South Eastern shoreline of Maury Island"? 
- * What programs have been created to stop the continued damages to Puget Sound in target damage areas specifically Urban Municipalities and their impact? 
- * If there are systems in place to the (above mentioned) question, why are they not the focus of action? (Because they are not working) 
- * As Washington State is in a severe budget deficit, how do you plan to pay for and administer this plan? 
- * Why have your studies included peripheral affect? i.e. Stepping-stones by other bureaucracies for more enforcement. 
- * What comparatives have been made from existing compliant requirements from other agencies? 
- * Due to the affect of the endangered species act on Puget Sound from the federal government, why has not methods to reverse, suspend or amend the older legal decisions the continued unmonitored harvesting been investigated? 


(Statement for contemplation) We are spending millions to remove productive dams to facilitate federal requirements. Yet the unmonitored harvesting by specific ethnic groups using the most modern of means is solely based upon a treaty issued at a time there were no endangerment concerns and harvesting was performed using dugout canoes and hand made nets. Could it be possible that for the welfare and entitlement of all the federal recognized endangered mandates could be helpful in controlling the unbalanced taking of a natural resource?  10

- * How many authorized artificial reefs does the DNR endorse and are there specific guidelines?  11

- * Are there any plans to open the isthmus (a man made closure) between Vashon-Maury Island?  12

- * Why is the use and replacement of existing pilings docks and other structures streamlined with a co-agency permit process that encourages the use of materials beneficial to the environment?  13


Statement for contemplation) The present system is anti-development and is unfriendly costly and cumbersome causing the reverse (non-approved installations). This has been an attitude carried the far extreme with threatening letters and actions by persons within all agencies to the general public.

- * Relevant to the statement above, It would seam again this is policy though it is common recognized knowledge that sea life is attracted and benefits  14


Sequence number: 10

 DNR does not share the reviewers statement regarding treaty rights.


Sequence number: 11

 DNR does not have an established policy on endorsing (or not) artificial reefs. The position would be established based on existing site conditions.


Sequence number: 12

 Presently there are no plans to open up portage, although this may be studies under section 5.1.3 of the management plan.

Sequence number: 13

 To support the use of more eco-friendly materials.

Sequence number: 14

 Underwater structures, whether installed properly or not, could provide benefits to some aquatic species. However, it may not be favorable for all species and may not be compatible with existing habitat.


August 26, 2004


Loren Stern, Manager
Aquatic Resources Division
Department of Natural Resources
P.O. Box 47027
Olympia WA 98504-7027

Dear Mr. Stern:

Thank you for the opportunity to comment of the Draft Environmental Impact Statement and Draft Management Plan for the Maury Island Aquatic Reserve. People For Puget Sound is a citizens' organization working to protect and restore the health of Puget Sound and the Northwest Straits. We applaud the Department's commitment to establishing and managing aquatic reserves and thank the staff for the work done to produce these documents.

As DNR observed in its 2003 State Aquatic Reserves Technical Advisory Committee Recommendation, the Maury Island site is "unique and critical for conservation," due to overall habitat diversity that includes "extensive eelgrass beds, kelp beds, limited salt marsh habitat, herring and surf smelt and sand lance spawning grounds, Chinook salmon and bull trout migratory corridors, bottom fish rearing habitat, and important wintering grounds for Western Grebe."


Due to the vitally important ecological resources listed by the DNR Committee and the lack of certainty as to the ultimate management decisions that could be made based on the DEIS Preferred Alternative, People For Puget Sound supports the No Action Alternative (Alternative 3), which would maintain the existing reserve 1 designation, with management decisions guided by the "general management actions' presented in the programmatic Final Environmental Impact Statement for the Aquatic Reserve Program (September 6 2002). The Draft EIS states on page 37 that under Alternative 3, "...in general, no future use authorizations would be granted that alter, remove, and/or otherwise change any existing environmental or cultural characteristic of an established reserve...."

Under Alternative 3, the general management actions that would govern are given in the 2002 FEIS on page 26 and would have the "primary effectthat some low-impact activities may continue and expand, assuming they are compatible with the objective of the reserve. However, future leases that are not compatible with reserve goals will not be allowed." We read this statement to parallel the 2 Commissioner's Withdrawal Order, dated November 17, 2000, which found that "the aquatic resources surrounding Maury Island will benefit greatly by reducing and/or preventing further certain leasing activities and associated disturbances...."


The draft EIS notes on page three that "Development has contributed to the declining health of Puget Sound's and the state's other aquatic resources, including

Page: 1

Sequence number: 1

 The management plan developed for alternative 1 provides guidance for the management decisions at the site. Alternative 3 has no guidance to support the "no future use authorizations" statement.

Sequence number: 2

 Alternative 3 has no "reserve goals" to base a determination as to what uses are compatible at the site. The elements of the management plan established for Alternative 1 were developed to reduce and prevent further degradation of the resources identified for conservation at the site.

coastal and freshwater systems. Species that are dependent on those resources are impacted by the changes in the

state's landscape and are declining in health and numbers.”

There can hardly be any justification for further impacts to Puget Sound, especially when those impacts can be totally avoided, as required by the State Environmental Policy Act, through a scientifically based aquatic reserve program that precludes further impacts from leasing. As DNR noted in a recent report, “Current conditions in Puget Sound, for example, bear an alarming resemblance to those of Chesapeake Bay 20 years ago.”¹ The report goes on to note that Puget Sound is experiencing the same pattern of decline as other dying water bodies, such as the Baltic Sea and the Gulf of Mexico. Look no farther than Hood Canal for evidence that Puget Sound itself is in deep jeopardy.

The only responsible way to address a system in such decline is to use the precautionary approach, best available science, the principles of conservation biology, and adaptive management. People For Puget Sound is deeply concerned that the Preferred Alternative and Draft Management Plan do not employ these four methods and do not, therefore, provide the requisite certainty that the Maury Island site will indeed be protected to the full extent of the law.



Indeed, we strongly urge the Department to reorder its priorities and first conduct a programmatic EIS on its leasing program before it sets out to develop reserve management plans that are based, at least in part, on a leasing program that has not been sufficiently evaluated for its impacts on aquatic lands.



Alternative 3 is the option of the three alternatives presented that would at least provide a precautionary approach toward ensuring environmental protection of this important aquatic site, which is the goal DNR puts forth for its aquatic resources program.



If the Preferred Alternative were adopted, we would respectfully remind the Department that any new or amended leases in the Maury Island Aquatic Reserve would require an environmental impact statement under SEPA.



Again, thank you for the opportunity to comment, and we look forward to working with your staff on this and other aquatic reserves.




Sincerely,

Kathy Fletcher


¹ *Changing Our Water Ways, Trends in Washington's Water Systems*, Washington State Department of Natural Resources, 2000, page 18.

Page: 2


Sequence number: 1

 DNR acknowledges PPPS concerns and welcomes your cooperation with DNR and the other resource agencies efforts to ensure the resources identified for conservation at the site are adequately protect as we implement the management plan


Sequence number: 2

 DNR requires all leaseholders to comply with environmental regulations, which includes the duty to conduct SEPA when appropriate.


Sequence number: 3

 Alternative 3 includes the boundary from the 2000 Commissioner's Order and would continue to allow leasing in the area and would not provide specific guidance related to uses that would be in conflict with the reserve.

Sequence number: 4

 Most leasing activities that occur on state-owned aquatic lands would require SEPA review under any circumstances.

Sequence number: 5


 DNR welcomes opportunities to work on aquatic reserve issues with People for Puget Sound.


From: Bianca Perla
To: <sepacenter@wadnr.gov>
Date: 8/26/2004 9:11PM
Subject: Comment letter for Vashon Maury Island Marine Preserve DEIS


Jennifer Gitchell
SEPA Center
Washington Department of Natural Resources
PO Box 47015
1111 Washington Street SE
Olympia, WA 98504-7015
sepacenter@wadnr.gov


August 26, 2004

Dear Ms. Gitchell,

We support the preferred Alternative 1 for the Vashon-Maury Island Aquatic Reserve. Quartermaster Harbor and the Maury Island shoreline host regionally important spawning, breeding, feeding, and migratory bird habitats. Formal recognition of the importance of these areas, and a concerted effort to develop a comprehensive management plan for this area are imperative to assuring the health of these places into the future and we believe that Alternative 1 can accomplish this. 

In the DEIS, there is mention of Washington State Department of Natural Resources (WADNR) intention to include resident input, education, and voluntary programs but there is no mention as to how this will be done and to what extent. We would like to see more detailed information on how local residence involvement in the preserve will be encouraged. 

Eliciting community participation could take many forms from involving local island groups in assisting interested landowners with restoration projects, to supporting a community driven draft plan for the reserve headed by a Vashon Community Council group, to setting up a review board of island residents, to turning over management of the reserve to a local island group, like Vashon Parks District, and holding this local management group accountable through biological monitoring of reserve health done by WADNR. We believe that it is imperative to the success of the reserve that there is a formalized structure not only for community input and comment, but also for community participation-including creation of management plans, and participation in adaptive problem solving, monitoring, and implementation. 

Thank you for considering our comments. 

Sincerely,

Bianca Perla and Harrison Knowler

Karen Perla

Page: 1

Sequence number: 1



DNR acknowledges and appreciates the reviewers support of alternative 1.

Sequence number: 2



Section 5.3.3 Outreach and Education in the management plan describes DNR's proposed management of this important aspect of reserve management. The details of what and how will this be done will be established when specific needs and opportunities are identified.

Sequence number: 3



DNR fully intends to integrate willing members of the local community in the management of the aquatic reserve.


Sequence number: 4


We appreciate your support and will consider your comments as a notice to DNR of your desire to participate in reserve decision making and activities.




From: "Allan Query"
To: <sepacenter@wadnr.gov>
Date: 8/15/2004 2:27PM
Subject: File No. 03-100801, re. Proposed Maury Island Aquatic Reserve

re. File No. 03-100801

Having reviewed the DSEIS and the Draft Maury Island Reserve Management Plan, we have to say that Aquatic Reserve designation for the Quartermaster Harbor area just doesn't make sense. With the possible exception of better protective management along the east shore of Maury Island related to the gravel mine and "gravel barge loading facility", there appears to be little need or public interest to interfere with the long established users in the area. 1

We are particularly concerned that boating related facilities and private property owners in the area will be negatively impacted by the apparent maze of regulation enforcement, agencies interference, required mitigations, and "voluntary incentives" that will be that will become regular requirements. It just doesn't appear to be needed or wanted, and it will cost the taxpayers of the state unnecessarily. 2


We therefore wish to strongly recommend that Alternative 2 be adopted, that is to repeal the Aquatic Reserve designation for Maury Island. Thank you for receiving this comment and we hope you will consider our desires, especially our concern that traditional and even enhanced recreational boating facilities in Quartermaster Harbor be actively encouraged rather than "allowed if....." 3

Sincerely,


Allan and Denise Query (Maury Island property owners near Rosehilla Beach)

Page: 1


Sequence number: 1

 The Aquatic Reserve Technical Advisory Committee (TAC) recommended the site as an aquatic reserve because of the extensive eelgrass beds, herring spawning, and winter migratory bird use that occurs primarily within Quartermaster Harbor. The proposed gravel barge loading facility was not an issue for the TAC.

Sequence number: 2

 If the reserve is established it will be at no additional cost to taxpayers of the state. Also, WDNR does not have the authority to regulate private property.

Sequence number: 3

 DNR acknowledges your support of alternative 2 and recognizes the importance of public use of the proposed reserve area, including boating facilities.

From: SEPACENTER
To: PALAZZI, DAVID; PRATT, CYNTHIA
Date: 8/9/2004 9:15AM
Subject: Fwd: Maury Island Aquatic Reserve, File # 03-100801

Greetings:

following are two comments relating to File # 03-100801, plus some background about my comments. These comments are specific to Quatermaster Harbor, the bottom of which is covered by a deep layer of glacial clay silt.

1. Mooring buoy's can be beneficial to the ecosystem of Quatermaster Harbor. These buoys and the anchor line and anchor support a large variety of marine flora which in turn attracts and supports a variety of marine fauna, including birds, fish, crab, worms, etc. A quick skin diving tour will bear this out.



In the winter, attaching a log to the buoy (for a period long enough so that marine growth can accumulate and hence support a variety of marine creatures) provides a welcome way station for birds, including Blue Herons and the migratory fish eating birds that visit us each year. (At times we have had so many Cormorants on the log that it was in danger of sinking!).

2. Large wakes from passing cruisers, especially during low spring/summer tides, damage marine flora and the attached eggs of fish and other creatures, plus the waves stir up the silt causing strife for virtually all marine flora and fauna. This is especially true in all areas north of the outer Quatermaster Harbor Coastguard buoy.



My background, so that you can gain some confidence in my comments: Marine biology and zoology courses associated with a major in geological oceanography.

Ten years living on Quatermaster Harbor. Five years living on the waterfront in West Seattle. Three years living on the waterfront at Cove on the West side of Vashon. Five years working for the US Coast and Geodetic Survey. Twenty years of skin diving throughout Puget Sound. Avid fisherman for twenty years. A keen interest in all areas related to our marine environment and the flora and fauna. Multiple small personal projects to improve the marine environment (beach cleanup, construction of small reefs, removal of creosote logs, etc.)


I attended your previous public meeting on Vashon and noticed that some folks were a bit overboard pro as well as con regarding the Maury Island Aquatic Reserve. I feel that a large number of the comments during the meeting were not based upon science but more on personal feelings. Hopefully, cool heads will prevail and a reasonable solution will result. I will send comments on the Management plan after the meeting on August 10th.




Thanks for you time.
Sincerely,
Jack Rowlands

Page: 1


Sequence number: 1

 Areas that lack natural complexity and heterogeneity may become more biologically active when structures are added. Care must be taken to ensure that such structures are not also harmful to the natural environment. For example, line from mooring buoys can scour and damage aquatic vegetation if improperly installed.

Sequence number: 2

 Washington DNR does not have authority to regulate commercial or recreational navigation.

Sequence number: 3

 We appreciate your insight and support.

8/24/04

Washington State Dept. of Natural Resources
concerning Mawry Island Aquatic Reserve

After attending the hearing on Aug. 10th on Vashon Island we believe we do not need an aquatic reserve. We heard from several different people speaking for and against. We are property and tidelands owners at Burton. We have lived on our property for 70 years and have been able to observe our water and tidelands and birds. We believe our area is just fine and does not need managing. The water quality is all right and the blue herons are becoming more plentiful, the butter clams are coming back, so we think conditions are improving. We also feel that the reserve status directly affects us. People who do not live here will not be directly affected. One of the young women who spoke at the meeting said she wanted conditions to be good for her children. At least, where we live conditions are good and I want this property

Page: 1

Sequence number: 1



DNR acknowledges the reviewers preference for alternative 2.

Sequence number: 2





The area is being managed as an aquatic reserve because of the unique regional habitat and species use at the site and not necessarily the condition of these resources.

Sequence number: 3



The management plan in section 5.4 states that DNR will work cooperatively with voluntary adjacent land owners. The goal of the reserve is to have a positive effect on the aquatic environment that will benefit everyone.


to be enjoyed by our children too,
free and clear of unneeded management,
and restrictions. I don't understand
how someone can sit in Olympia and
arbitrarily say they are going to manage
areas where so many of us live, without
having lived here. 

We want government to leave us
alone. We prefer Alternative 2 of the
Mauzy Island Aquatic Reserve Draft
Plan. 


Herb and Ann Sattler

Page: 2

Sequence number: 1


 DNR does not intend to manage private property. However, DNR has the mandate to manage state owned aquatic lands. Both DNR and the reviewer share the common goal of trying to assure that future generations will be able to enjoy the area.

Sequence number: 2



 DNR acknowledges your support of alternative 2.


From: SEPACENTER
To: PALAZZI, DAVID; PRATT, CYNTHIA
Date: 8/6/2004 9:52AM
Subject: Fwd: Maury Is. aquatic reserve


>>>

As a property owner on Quartermaster Harbor I am continually amazed at the actions of a few Island residents whose only purpose in the creation of the above Reserve was to stop Glazier Sand and Gravel from utilizing its natural resources on this Island! These people were determined to stop all Glazier activities and it made no difference to them that further restrictions and potential harm would result to other property owners in the area. 1

That, it seems to me, was the fundamental and only reason the former Land Commissioner was solicited to create this Reserve and why, in my opinion, reasons were created for the establishment of the Reserve in the first place. The Eel grass and Herring grounds arguments were pure rationalizations, afterthoughts and post justifications, nothing more!


Now that, as I understand it, Glaziers use of its property has been approved(a great saving to King County taxpayers in the overall cost of the third runway I might add) there would seem to continue to be no real reasons for the establishment or continuation of the Reserve in the first place. It would also seem that in reality no dire necessity exists or existed for the Reserve creation and it is highly restrictive on those presently and potentially owning land within or bordering on the Reserve area 2
3

The Harbor area, by your own reports, is making a comeback on its own and why further governmental restrictions and regulations on use and enjoyment of lands within or abutting the Reserve escapes me. Waterfront and other land owners on this Island are now taxed at extremely high and burdensome rates and to place further governmental restrictions and interference on such use and enjoyment seems to me to be unwarranted and unwanted! 4


Since one of the current Alternatives is " Repeal of the Reserve" (Alternative 2) I strongly urge you to adopt this Alternative and once and for all time put to rest a scheme designed only to stop a particular land owner and it's land use and one only favored by small and vocal minority of Vashon residents. Sincerely David and Elizabeth Schweinler 5

Page: 1


Sequence number: 1

 The site was proposed as an aquatic reserve by the Aquatic Reserve Technical Advisory Committee. They recognized the significant regional resources at the site and felt they warranted special management under the reserve program.


Sequence number: 2

 Glacier's permit was not granted by the County. This decision is presently under appeal by the Shoreline Hearings Board. The operation of the gravel mine has no bearing on the present process for establishing the area as an aquatic reserve. The process for establishing any aquatic reserve are established in the Aquatic Reserve Programmatic EIS, September 2002.


Sequence number: 3

 The DNR Aquatic Reserve Program does not manage private property. Section 5.4 of the management plan directs DNR to seek voluntary cooperation from land owners adjacent to the reserve who are interested in conservation efforts that can benefit the aquatic environment.

Sequence number: 4

 The proposed reserve will place no additional regulations or additional tax burdens on private property owners. Property taxes are directly related to property values and the tax rates approved by the reviewer's elected officials.

Sequence number: 5

 DNR acknowledges the reviewers support for alternative 2 and appreciates the input on this matter.

From:
To: <sepacenter@wadnr.gov>
Date: 8/27/2004 3:56PM
Subject: 03-100801: Maury Island Aquatic Reserve

Re. File No. 03-100801

We support Alternative 1, an Environmental Aquatic Reserve at the Maury Island Site, from the DSEIS.



Sincerely,

Ann Stateler
Odin Lonning

Page: 1

Sequence number: 1



DNR acknowledges your support of the proposed reserve.



5050 First Avenue South
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Telephone: (206) 764-3000

Fax Numbers:
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Sales (206) 764-3014
Credit (206) 764-3012
Warehouse (206) 762-3077
Cement Terminal (206) 764-7176

August 27, 2004

Ms. Jennifer Gitchell
SEPA Center
Washington DNR
P.O. Box 47015
1111 Washington Street SE
Olympia, WA 98504-7015

Mr. David Palazzi
Washington DNR
Aquatic Resources Division
P.O. Box 47027
1111 Washington Street SE
Olympia, WA 98504-7027

Re: *Maury Island Aquatic Reserve Draft Environmental Impact Statement and
Draft Management Plan*

Dear Ms. Gitchell and Mr. Palazzi:

Glacier Northwest submits the following comments for your consideration regarding the Draft Environmental Impact Statement and Draft Management Plan for the Maury Island Aquatic Reserve.

A. COMMENTS ON DRAFT SUPPLEMENTAL EIS

Section 1.4.4. Plant and Animal Resources. Paragraph 2 says, “*Spartina*, an invasive aquatic plant species, has also been found in the area, but is not currently found at levels that substantially threaten habitat quality.” This statement is puzzling. Given the level of attention and concern regarding the habitat damage caused by *Spartina* in Puget Sound, is there a “level” that does not substantially threaten habitat quality?



Section 1.4.6. Environmental Health. No “Industrial” use is proposed on the eastern shoreline. As explained further below, Glacier’s barge-loading facility is not an “Industrial Use.” Furthermore, the threat associated with noise and hazardous spills is not unique to Glacier’s dock, as this section implies. A number of commercial and recreational watercraft traverse these waters. All these vessels generate noise and haul fuel and possibly other hazardous materials.



Page: 1

Sequence number: 1



Spartina has historically been detected and removed from within the proposed Aquatic Reserve. The current "level" is the seed bank and likely potential for future re-invasion which requires vigilant monitoring and aggressive treatment when new growth is observed to avoid substantially threatening habitat quality. Section 5.3.3 identified management strategies that include cooperative efforts with the state and local agencies that manage invasive species. DNR will work with these agencies to determine the substantial threat of spartina to aquatic habitat.

Sequence number: 2



"Industrial" will be changed to "resource use and Industrial."

Ms. Jennifer Gitchell
Mr. David Palazzi
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Section 1.4.9. Public Services and Utilities. The Glacier mine is designated a mineral land of long-term significance and as such may become a major source of sand used to complete both public and private projects in the region.



Section 3.2.1. Aquatic Reserve Boundary

Page 14. The EIS should explain why the waterward boundary of the reserve is set at -70 ft MLLW or one-half mile from line of extreme low tide (whichever line is further waterward).



Section 3.2.2. Goals and Objectives

Part I, Page 18, Third Bullet. Regarding the goal to sustain or increase the documented extent and species composition of native aquatic vegetation, the use of a biomass index comprised of bed and bed density as a baseline determined at the time of establishment of the reserve will be difficult. Will this baseline incorporate measurement of inter-annual variability? If not, how will this be measured to determine whether a change has occurred? What other parameters will be measured, and how will the agency separate variation in the biomass index from natural variability, changes induced by climatologically changes, and “human-induced” changes?



Part II, Page 19, First Bullet. The target reduction of shoreline hardening to less than 30% of the shorelines in the reserve is certainly admirable, but no information is provided in the section that can be used to evaluate whether this goal is achievable. Section 1.4.7 points out that 59% of the shoreline in King County is hardened but says nothing about the current condition within the reserve. Given that the DNR has no jurisdiction on private lands, and owns very little property where bulkheads are located on the island, are there specific actions that DNR will take to achieve this goal and is there evidence to suggest that these goals will be effective enough to reach the stated goal?



Part II, Page 19, Third Bullet. DNR should identify specific actions the department will take to support local efforts to manage and treat stormwater, sewage, and gray water discharging to the reserve. How will DNR monitor nearshore water quality for signs of impairment and determine whether observed impairment is resulting from outfalls or runoff is discharging into the reserve? Section 1.4 says there is currently no water quality information for East Maury Island and what is available for Quartermaster Harbor is limited. Monitoring, identifying and resolving nearshore water quality impacts are an extremely complex task by itself. This is not a specific goal and the EIS presents no evidence that it is measurable or achievable.



Section 3.2.3.1. Research and Monitoring. Landowners will be key players in implementation of any management strategies in the proposed reserve. For this reason



Page: 2

Sequence number: 1



The mining and transport of gravel and sand is a private enterprise.

Sequence number: 2



This boundary was selected because it both captures the ecosystem and primary resources that support reserve designation. Additionally, this boundary includes those areas where threats to those natural resources are most likely to arise. This will be included in the FSEIS.

Sequence number: 3



A baseline for biomass will describe the observed range of biomass over several years and ecological cycles to properly reflect natural variability. Parameters for this baseline described in the draft Supplemental EIS include bed area and density of aquatic vegetation. Sources of change will be elucidated from the empirical observations and it is likely that human induced changes will be localized while natural variability or large scale environmental changes will affect all vegetation resources within the reserve. More defined goals for gathering baseline information will be established when a monitoring plan is developed.

Sequence number: 4



The last paragraph of section 2.0 in the final management plan states that "an estimated 13.75 miles or 57.6 percent of the shoreline within the reserve has been hardened or modified." Section 5.4.1 of the final management plan describes the management strategy Washington DNR will employ to address shoreline modification on private and public land adjacent to the Aquatic Reserve. These management strategies include working in cooperation with adjacent landowners (on a voluntary basis) in efforts to gain support for the reserve and to help reduce impacts caused by shoreline modification; and to seek funding opportunities and create incentives for the adoption of best management practices (BMPs) and improvement of shoreline conditions, through "soft" armoring techniques such as beach nourishment, riparian plantings, and other alternative strategies to reduce shoreline impacts. DNR recognizes the uncertainty in the 30% percent estimate due to the voluntary nature of the management provisions. This figure can be updated when the plan is updated.

Sequence number: 5



DNR will be working cooperatively with the King County Health Dept. and the Rural Drainage Program to address water issues (see King County comment letter) to identify sources impacting water quality and methods to minimize impacts from these sources. This is a standard practice for isolating and prioritizing water quality issues. DNR has also been working with the Washington Department of Health, Office of Shellfish Programs, to identify shellfish area closures within the aquatic reserve. With adequate funding and monitoring, correcting water quality problems within the reserve is both measurable and achievable. For example, efforts by WDOH in coordination with local county government have re-certified previously downgraded commercial shellfish beds in Burley Lagoon and North Bay. Local efforts in Mason, Kitsap, and Pierce counties have corrected water quality problems, and re-certified shellfish beds in the Hood Canal, and Rocky Bay respectively.

Sequence number: 6



Washington DNR may create an advisory group that includes landowners as well as other interested parties as discussed in section 2.6 of the final management plan. The role of this advisory group will be to help Washington DNR identify priorities and measure successful management of this site.

Ms. Jennifer Gitchell
Mr. David Palazzi
August 27, 2004
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landowners should be provided the opportunity to actively participate with the agencies and organizations listed to identify and develop research projects within the reserve.

**Section 3.2.3.2. Management Guidance for Existing and Future Use
Authorization General programmatic Principles:**

Table 5, Page 26. The word “Industrial” should be removed from the first column. As discussed below, not all wharves and piers described are industrial.



Page 29, Third Bullet From Bottom of the Page. All storm water is currently infiltrated in upland areas, and this would not change under Glacier’s proposed activities; therefore, this item should be removed from the list because it will not reduce the impacts of the existing structure over time.



Section 4.1.1.2, Page 44, Paragraph 2. The paragraph is confusing. The middle section of the paragraph indicates that two stations in Quartermaster Harbor failed toxicity testing, then the last sentence says, “No exceedences of state criteria for sediment toxicity or chemical concentrations have been reported at the Maury Island Site.”



Section 4.2.2.1, Page 47, Second Full Paragraph. The paragraph should point out that an increase in transit distance would likely result if some activities are prohibited. If for example the Glacier Northwest barge-loading dock cannot go forward in the reserve, materials that could otherwise be delivered by barge would be transported by truck. One 4,000 ton barge (small to moderate size) can haul as much sand as approximately 115 trucks and trailers. Increased truck traffic may cause traffic congestion and increase emissions from trucks and other vehicles stalled in traffic congestion.



Section 4.2.2.3, Page 50, Paragraph 2. The paragraph is confusing because it compares marine water acute and chronic criteria for dieldrin and then appears to compare tissue concentration to the marine acute criteria. This appears to be a comparison of apples to oranges and is not consistent with standard methods of comparison used in toxicology. This section should be clarified.



Section 4.2.2.3, Page 50, Paragraph 4. A reference should be provided for the statement that, “The northerly transport of surface waters along the shoreline is believed to concentrate plankton and nutrients along the beach, providing relatively high levels of primary production.”



Section 4.3.2.2, Page 52. It seems unlikely that repealing the reserve would have a negative impact of water quality over the current condition. The DNR would still be required to ensure environmental protection under RCW 79.90.455. Given current zoning and DNR’s limited ownership of the shoreline areas, it is not clear how



Page: 3

Sequence number: 1



Will be replaced with resources use and Industrial.

Sequence number: 2



This will be changed to indicate that water collected on site, such as from the facilities settling ponds or stormwater treatment facilities, will be infiltrated and no discharge will be permitted into the aquatic reserve.

Sequence number: 3



The section does not state that two stations failed toxicity testing, it states that three samples taken during a "coarse" assessment "showed high chemical concentrations..." The point of this section is to clarify that while Quartermaster Harbor has met state sediment and chemical toxicity criteria there still exists some level of contamination.

Sequence number: 4



The last sentence in this section already notes that "this increased transit distance would likely result in adverse air quality impacts due to increased emissions." We have also added the language regarding conversions from barge to truck loads suggested by the reviewer.

Sequence number: 5



This information is clarified in section 4.3.1.1.

Sequence number: 6



The reference for Williams et al. 2001 will be added to the FSEIS.

Sequence number: 7



The second sentence of this paragraph provides further clarification for this statement.

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August 27, 2004
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development pressure will increase if the reserve is repealed, and it is clear that King County, Ecology and other agencies will continue to take additional steps to improve environmental quality.

Section 4.4.1.2. Aquatic Vegetation

Page 65. It might be helpful to include the point that continuous light measurements taken over a period of 47 days during the growing season on the shore near the Glacier barge-loading dock show that light becomes a limiting factor for eelgrass in that area between elevations -12 and -16 ft MLLW.



Page 66. Please review literature and provide additional references documenting the presence of common macroalgae at depths of 50 to 100 feet. Based on personal observations, I would guess that by far the vast majority of macroalgae occurs above elevation -50 ft MLLW in Puget Sound, and this is certainly true at Maury Island. While I do not know how long a kelp plant can grow, it is extremely unlikely that an individual plant even approaches a length of 65 ft at Maury Island.



Section 4.4.2.2, Page 79. The section appears to discount the work of other agencies to protect, conserve and improve conditions for plant and animal resources. DNR is already required to ensure environmental protection under RCW 79.90.455. There appears to be no evidence presented showing that repealing the aquatic reserve would increase these impacts.



Section 4.5. Energy and Natural Resource Use

Section 4.5.2.1. If the Management Plan is interpreted to preclude use of a barge-loading dock at the Glacier site, then there will be adverse impacts to the continued production of sand and gravel resources. Mineral production is an acknowledged public benefit under aquatic lands regulations, and DNR has recognized that there is presently a critical need for sand and gravel in our region. *See* WAC 332-30-106(48); OUR CHANGING NATURE: NATURAL RESOURCE TRENDS IN WASHINGTON STATE, Dep't of Natural Resources (1998) at 13-15; *see also* THE AGGREGATES INDUSTRY IN WASHINGTON: ECONOMIC IMPACT AND IMPORTANCE, Pacific Lutheran Univ. School of Business (2003). Therefore, this section should include some discussion of the potential impact of the aquatic reserve on the extraction and distribution of mineral resources if the preferred alternative is selected. *See* WAC 197-11-444(1)(e) (impacts to availability of natural resources must be considered under SEPA). If Glacier's barge-loading dock is not allowed, mineral resources designated by King County as having long-term significance will be entombed on the island. This will require more material to be imported from outside the region. If the dock is allowed but additional conditions are placed on the dock replacement or operations, then the cost and/or time required to distribute these materials may be increased.



Page: 4

Sequence number: 1



Because this section refers to the eelgrass distribution for the entire proposed Maury Island Environmental Aquatic Reserve, it is inappropriate to include such localized information. Local observations may be misleading or contradict distribution information for other parts of the reserve site. As of July 2004, detailed eelgrass depth observations have been made at two sites within the Aquatic Reserve.

Sequence number: 2



This language was clarified.

Sequence number: 3



The DSEIS evaluates the effects of the three action alternatives, not the effectiveness of other agencies.

Sequence number: 4



The management plan does not preclude use of state-owned aquatic lands for the barge loading facility. The management plan establishes criteria for allowing uses throughout the reserve. WAC 332-30-151(4)(b) requires the Commissioner of Public Lands to consider public benefits in the case of conflicting uses. Although the management plan does not foreclose any existing uses in the reserve, the Commissioner has elected to consider a public benefits review in addition to SEPA in reaching a decision on the reserve. The Commissioner may also consider additional information, such as potential economic impacts from reserve designation on the gravel mining operation.

Ms. Jennifer Gitchell
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Section 4.6. Environmental Health

Section 4.6.1. Affected Environment. As discussed below, the Glacier dock is not an “industrial” use. Please remove the word industrial from the second sentence.



Section 4.6.2.2. Alternative 2. It is not clear how repealing the reserve would increase noise impacts over baseline conditions.



Section 4.7.1.1 Local Planning. The first sentence of the second paragraph incorrectly suggests that all of Maury and Vashon Islands are designated as rural areas. This sentence should be revised to reflect the fact that Glacier’s site is designated Mineral under the King County Comprehensive Plan. The discussion of the shoreline conservancy environment on page 9 should also be modified to state that mining uses are generally compatible with the conservancy environment. Specifically, we suggest adding the following sentence after the second sentence of the first full paragraph on page 9: “The King County Shoreline Master Program policies state that uses relating to forestry, agriculture, fisheries, and mining are not discouraged in the conservancy environment. (King County Shoreline Master Program Policies at 20).”



If the Aquatic Reserve precludes future use of the barge-loading facility, then it is inconsistent with current King County zoning and shoreline designations. WAC 197-11-444(2)(b)(i)(relationship to existing land use plans should be considered under SEPA).



Section 4.7.1.4, Page 93, Paragraph 2. Please clarify that the dock could be used to load up to four 10,000-ton barges per day or a large number of smaller barges. No more than one barge will be tied to the dock at any one time and barges will only be at the dock during loading. No barges will be allowed to wait while tied to the dock.



Section 4.7.1.6, Page 95, First bullet. King County also issues a grading permit.



Section 4.7.2.1, Page 95. Please clarify what is meant by, “improving management certainty.” It is also unclear how implementation of the preferred alternative will ensure development consistent with applicable land use regulations and policies. Will DNR take specific steps in this regard? Will this change be measurable? It should also be noted that if, for example, the Glacier Northwest project experiences adverse impacts such as delays and increased costs, then there could be adverse impacts to the implementation of other local projects such as construction and maintenance of local schools, roads and transportation infrastructure.



Section 4.7.2.1, Page 101, Paragraph 2. The financial impact to Glacier Northwest will have secondary impacts on public projects and plans for the region. Currently Glacier imports into King County from other areas including Canada. Delays



Page: 5

Sequence number: 1



Change to resource use and industrial.

Sequence number: 2



If the reserve were repealed Washington DNR would not work with lessees during the terms of their leases to employ all known available and reasonable methods of prevention, control and treatment of noise impacts on specific species identified for conservation at the site. Thus, it would be likely that without the plan, such impacts could be more pronounced. However, the last sentence of the paragraph on page 88 states that such impacts would be expected to be effectively minimized by the implementation of BMPs.

Sequence number: 3



The draft SEIS accurately reflects that Vashon-Maury Island, per the King County Comprehensive Plan designates the area as rural, and is not included in the county's designated urban growth area. Additionally the draft SEIS already states "All of the 235 acres along the southeastern shoreline owned by Glacier Northwest are designated for mining land use."

Sequence number: 4



The King County Shoreline Master Program states "Commercial and industrial uses other than commercial forestry, agriculture, fisheries and mining should be discouraged." This does not suggest that the aforementioned activities cannot or should not be discouraged within portions of a conservancy environment, simply that all other activities should be discouraged wherever conservancy shoreline designations have been made. Furthermore, the King County guidelines state that "Conservancy areas are intended to maintain their existing character. This designation is designed to protect, conserve, and manage existing natural resources and valuable historic and cultural areas."

Sequence number: 5



King County has determined that the barge-loading facility is inconsistent with the shoreline zoning. This decision is presently under appeal by the Shorelines Hearings Board. Further, the management plan does not preclude the barge loading facility, but outlines the conditions that would need to be met for the use to be authorized in the reserve.

Sequence number: 6



This information will be updated in the final SEIS and management plan.

Sequence number: 7



This section only pertains to major regulatory activities "on aquatic lands." DNR is unaware of any proposed grading on aquatic lands.

Sequence number: 8



Improving management certainty suggests that by establishing in writing the management goals and conditions for authorizing future leases that Washington DNR will provide clarity to all interested parties as to the conditions an activity will be allowed to take place on state-owned aquatic lands. As to the relationship to other construction and maintenance projects, DNR is not aware of projects that are currently slated to receive materials from Glacier that could only be satisfied through barging, as the existing dock has been inactive for over 20 years.

Comments from page 5 continued on next page

Ms. Jennifer Gitchell
Mr. David Palazzi
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Section 4.6. Environmental Health

Section 4.6.1. Affected Environment. As discussed below, the Glacier dock is not an “industrial” use. Please remove the word industrial from the second sentence.



Section 4.6.2.2. Alternative 2. It is not clear how repealing the reserve would increase noise impacts over baseline conditions.



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Section 4.7.1.4, Page 93, Paragraph 2. Please clarify that the dock could be used to load up to four 10,000-ton barges per day or a large number of smaller barges. No more than one barge will be tied to the dock at any one time and barges will only be at the dock during loading. No barges will be allowed to wait while tied to the dock.



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Section 4.7.2.1, Page 95. Please clarify what is meant by, “improving management certainty.” It is also unclear how implementation of the preferred alternative will ensure development consistent with applicable land use regulations and policies. Will DNR take specific steps in this regard? Will this change be measurable? It should also be noted that if, for example, the Glacier Northwest project experiences adverse impacts such as delays and increased costs, then there could be adverse impacts to the implementation of other local projects such as construction and maintenance of local schools, roads and transportation infrastructure.



Section 4.7.2.1, Page 101, Paragraph 2. The financial impact to Glacier Northwest will have secondary impacts on public projects and plans for the region. Currently Glacier imports into King County from other areas including Canada. Delays



Sequence number: 9

 DNR has developed a public benefits review. However, it is unlikely that this work will depict secondary economic impacts to the central Puget Sound Region. The preferred alternative provides guidelines and conditions for replacing the barge-loading dock.

Ms. Jennifer Gitchell
Mr. David Palazzi
August 27, 2004
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in getting material from Maury Island, a source designated a mineral resource of long-term significance, could impact the cost of public infrastructure in the region.

Section 4.8. Transportation. The site has a dock that has been used to transport substantial amounts of aggregates from Maury Island in the past. There are currently plans to replace the existing dock. Installation of the new dock would presumably reduce vessel traffic on Puget Sound by reducing the amount of material barged from Canada. The facility would also reduce the number of trucks hauling similar materials on roadways on other parts of the region because one 4,000-ton barge can haul as much sand and gravel as about 115 trucks with trailers.



Section 4.9. Public Services and Utilities. This section includes evaluation of impacts on maintenance. Sand and gravel is an essential component needed to maintain private and public structures such as roads, schools and bridges. If implementation of a management plan precludes use of the barge-loading dock, then there would be a negative impact on the availability of this resource. Repealing the aquatic reserve would not impact this use.



Section 5.6, page 120. Sand from Maury Island would be ideal for remedial capping of contaminated sediment as well as other habitat improvement projects. There could be a negative impact to the availability of this material for these projects if implementation of the preferred alternative prevents Glacier from replacing and using its barge-loading dock.



Section 5.7, Page 120. If the replacement dock is constructed, mining will continue on the Glacier Northwest property and over one mile of native shoreline will be untouched for the life of the mine (probably 35 plus years). If the dock is not allowed to proceed, the property is no longer viable as a sand and gravel mine and could be sold and developed for other uses. Alternative 1 could moderately impact shoreline use under this scenario, alternative 2 would not impact the use and alternative 3 would severely impact the use.



Section 5.8, Page 20. Alternatives 1 and 3 could impact Glacier's ability to build a barge-loading dock. One small to medium size barge (4,000 ton) hauls as much gravel as about 115 trucks with trailers. Alternatives that impact the dock have the potential to increase truck traffic, thereby adding to traffic congestion on the regions roadways and negatively impacting transportation. They could also negatively impact the maintenance of roadways in two ways. Increased truck traffic would increase wear and tear on roadways, and limitations or prohibition of barge-loading operations could reduce the availability and/or increase the cost of material needed to complete road maintenance.




Section 5.9, Page 120. Alternatives 1 and 3 could negatively impact the availability of sand and gravel needed to maintain and construct components used for




Page: 6


Sequence number: 1

 There is currently no opportunity for barge traffic considering the existing condition of the facility. A new facility would clearly create additional barge traffic in the area. In addition, DNR does not have information on barge traffic from Canada and the EIS for the Glacier project does not discuss this potential benefit.


Sequence number: 2

 See previous comments regarding the definition of public services and utilities. In addition, the preferred alternative would not preclude development of the barge loading facility.


Sequence number: 3

 DNR has developed a public benefits review. However, it is unlikely that the review will be able to capture speculative negative impacts. The preferred alternative provides guidelines and conditions for replacing the barge-loading dock.

Sequence number: 4

 The preferred alternative provides guidelines and conditions for replacing the barge-loading dock.

Sequence number: 5

 Implementation of the management plan would not preclude development of the gravel barge loading facility. DNR has also developed a public benefits review. In addition, the EIS for the Glacier project assumes that if the barge loading facility were not approved, then mining would continue at the site at current level of 10,000 tons/year and that surface traffic volumes from the facility would actually be lower than under Glacier's proposal for mining 7.5 million tons/year. DNR has no information to refute King County's analysis.

Sequence number: 6

 See previous comment regarding public services and utilities.

Ms. Jennifer Gitchell
Mr. David Palazzi
August 27, 2004
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public services and utilities. Repealing the Aquatic Reserve (Alternative 2) would not have this impact.

B. COMMENTS ON DRAFT MANAGEMENT PLAN

Section 2.7. Planning Process. The Section says, “Every ten years after the adoption of the plan, it shall be reviewed and updated with current scientific, management and site-specific information. During the development of the original plan and each subsequent update, the DNR shall work with other jurisdictions, Tribes, interest groups, and local citizens to establish cooperative management actions for activities within and adjacent to the reserve to conserve habitats and species within the reserve.” Landowners should specifically be included as a stakeholder group to provide input on the revisions to the management plan. Glacier Northwest would like to have the opportunity to actively participate in this process.



Section 4.3. Species. The section includes the following statement: “Fish species found in Quartermaster (Harbor) that are absent from urban bays include: Spiny dogfish, spotted ratfish, longnose skate, rock sole, starry flounder, speckled sanddab, pile surfperch, striped surfperch, bay goby, blackbelly eelpout, bay pipefish, and plainfin midshipman (Gibson *et al.* 2000).” This is incorrect and should be removed. The statement caught my eye because I have observed several of these species while diving at project sites in Elliott and Commencement Bays as well as elsewhere in Puget Sound. Chapter 13 of the document by Gibson *et al.*, presents case studies as examples of the appropriate use of bioassessment and biocriteria marine survey methods. The Example given in the Gibson document is work completed by Eaton and Dinnel between 1993 and 1995 in which the investigators completed trawl surveys at stations in Commencement Bay waterways and compared them to trawl surveys conducted at a reference site in Quartermaster Harbor. The study compared the frequency that each species was caught at the different stations, and used that information to determine whether species were tolerant or sensitive to contaminants in the waterway. It appears that DNR simply inserted the list sensitive species in the above statement. The statement is erroneous because, while the study found some of these species are more prevalent in Quartermaster Harbor than in Commencement Bay Waterways, it certainly did not find that all these species were absent from the waterways and does not appear to have included any study of the presence or absence of these fish in other urban waterways.



Section 5.1.3. Glacier Northwest owns a significant portion of the shoreline on Maury Island and will be conducting intensive monitoring of eelgrass at the dock site. We want to actively participate with other stakeholders, regulatory agencies and research groups to identify and develop research projects within the reserve.



Page: 7

Sequence number: 1



Adjacent landowners will be added to this list.

Sequence number: 2



This statement has been adjusted to correctly reflect the findings of Eaton and Dinnell (1993) as reported in Gibson et al (2000). The statement now reads "species found in Quartermaster that are less abundant in samples taken from urban bays include ..."

Sequence number: 3



Washington DNR encourages property owners, including Glacier Northwest, to cooperatively participate in developing research projects within the proposed Aquatic Reserve.

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Section 5.2.2.13. Industrial Wharves and Piers. This section refers to Glacier's barge-loading dock as an "industrial pier." The management plan does not define "industrial." We assume that the term is used loosely and informally to indicate certain types of non-residential uses. In fact, however, the barge-loading facility is not properly categorized as an "industrial pier." Both King County (in its shoreline permit decision) and the Shorelines Hearings Board (in its Order on Summary Judgment) concluded that the barge-loading facility is *not* an "industrial development." See ATTACHMENT 1 (Permit Decision) at 9, Concl. No. 4; ATTACHMENT 2 (Order on Summary Judgment) at 31-32. The County and the Board recognized that King County's Shoreline Master Program and Zoning Code—as well as the Department of Ecology's shoreline guidelines—distinguish between industrial uses and resource-related uses (such as mining, timber, and agriculture). Therefore, the references in Section 5.2.2.13 and elsewhere to "industrial wharves and piers" should be changed to "industrial and mining-related wharves and piers." The word "industrial" should also be stricken from the last sentence of Section 5.2.2.13 (on p. 39). These changes are consistent with the King County Shoreline Master Program and Zoning Code.



Section 5.2.3.4. Barge Loading Facility. Please note that the Shorelines Hearings Board has reversed the primary basis for King County's denial of the shoreline permits. See ATTACHMENT 2 (Order on Summary Judgment). A final decision from the Board is expected in early October. This section (as well as p. 93 of the Draft SEIS) will presumably be revised after the Board issues that decision.



We recommend that this section (and p. 93 of the Draft SEIS) also be revised to state that Glacier obtained a Hydraulic Project Approval for the project in June 2004. See ATTACHMENT 3. The HPA reflects WDFW's conclusion that the construction and operation of the replacement barge-loading dock will result in no net loss of productive capacity of fish and shellfish habitat. See WAC 220-110-300.



Page 54, Paragraph 1 - states that the proposed dock would moor up to four 10,000-ton barges. In fact, barges would not be moored at the dock; barges will only be at the dock when they are being loaded. No more than one barge will be at the dock at any one time. No barges will be allowed to wait at the dock. Up to four 10,000-ton barges may be loaded at the dock in one day.



Page 54, Bullets 2 and 4 – Please remove this bullet. All stormwater will be managed in accordance with the NPDES Sand and Gravel General Permit issued by Ecology that prohibits water quality impacts.



Page 55, Bullet 2 – please change "Eliminated" to "minimized." This change is consistent with the Draft SEIS (p. 30), which refers to the "minimization" of noise impacts.



Page: 8

Sequence number: 1



References to the mining operations have been changed to resource use.

Sequence number: 2



If the SHB makes a final decision that warrants a revision in the management plan prior to the publication of the final management plan, this decision will be referenced.

Sequence number: 3



It is DNR's understanding that the HPA is being appealed. Thus, the addition of this information is not warranted at this time.

Sequence number: 4



This language has been updated to reflect this information.

Sequence number: 5



While Washington Department of Ecology is responsible for issuing NPDES permits, Washington DNR is charged with ensuring environmental protection for the aquatic lands that it manages and one element of that protection is protection from the impacts of water outflows. DNR is working with King County and the Department of Ecology regarding industrial stormwater issues to the aquatic reserve.

Sequence number: 6



Studies have shown that noise from large approaching vessels, like tug boats resulted in an avoidance response by Pacific herring. DNR needs to assure that spawning herring are not disturbed at the reserve site. The language in the plan has been changed to be more specific and requires that noise be minimize so that it does not result in impacts to species identified for conservation.

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Page 55, Bullet 7 – Please change “recover” to “respond to”; Glacier will have a spill response plan that specifies how Glacier will respond to spills depending on the size of the spill.



Glacier operates at the site under a Surfacing Mining Reclamation permit issued by DNR (Geology and Earth Resources Division), an NPDES general permit issued by Ecology, and air quality permits issued by the Puget Sound Air Quality Authority. It is important that DNR recognize that the goals of these other programs overlap with the goals of the Aquatic Reserve. It is important that the Management Plan not require DNR to expend scarce resources to implement policies that duplicate and/or conflict with the goals and objectives of these other programs and agencies.



Thank you for your consideration of these comments, and we look forward to continuing to work with DNR.

Sincerely,

Pete Stoltz

Enclosures
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Page: 9

Sequence number: 1



This language has been updated to state;"recover as appropriate" spills. It is recognized that recovery of all lost gravel may not always be the most appropriate response and may inadvertently create additional environmental harm.


Sequence number: 2



DNR acknowledges the reviewers comments. DNR also has the authority to manage state owned aquatic lands and does not do this in a manner that duplicates or conflicts with other local, state, and federal regulations.


From:
To: <sepacenter@wadnr.gov>
Date: 8/24/2004 1:42PM
Subject: Maury Island Aquatic Reserve

My name is Clayton Williams, president of Williams Holding who owns property on Quartermaster Harbor on Vashon Island.

I am deeply concerned about the proposed Aquatic Reserve Plan. I feel that we do not need another Government Agency to invade our property rights. 

The agencies that are in place can accomplish what the reserve wants to do. I have 2 examples.

When my grandfather purchased this property in 1924, there was a good run of salmon going up Judd Creek, and by 1950 the run was very small. Due to the efforts of the Dept. of Fisheries and the Vashon Island Sportsman Club, the run is now very good.

I had a bulk fuel plant in Quartermaster Harbor until 1970. At that time I  moved the plant away from the water to improve the environment. This was a very costly move and I followed all necessary government regulations. Many of the problems we have in Quartermaster Harbor are not caused by property owners.

Please consider option 3!!!!

NO MORE GOVERNMENT AGENCY'S PLEASE!!!!!!!!!!!!!! 

Clayton Williams

Page: 1

Sequence number: 1



The aquatic reserve does not include DNR management of private property. The management plan proposes that property owners voluntarily practice good stewardship to compliment the important resources on adjacent public lands.

Sequence number: 2








DNR appreciates your willingness to be a good steward of your land.

Sequence number: 3



DNR has been responsible for managing state-owned lands since the early part of the 20th century, including all lands within the proposed reserve site.

From: Janet Williams
To: <sepacenter@wadnr.gov>
Date: 8/27/2004 7:59PM
Subject: Maury Island Aquatic Reserve

We are opposed to the reserve. Our family has lived on inner 
Quartermaster Harbor for five generations and we do not believe that
additional management of the site is necessary or adviseable. Although
we agree the area is unique and valuable, the reserve would create
another unnecessary layer of government control. It is already very
difficult to maintain waterfront properties and your proposals regarding
water outfalls etc. would create undue hardships on the property owners 
adjacent to the reserve. Under the current federal, state, and local
controls the harbor has become cleaner and healthier. I am also opposed
to giving the Department of natural resources more control over the 
area, given their dubious record with regard to the management of the
Geo Duck harvests. At the last public hearing on Vashon, I was told by
the gentleman at the back answering questions that the DNR would have 
additional leasing opportunities if the reserve designation is
finalized. We are concerned about the additional costs of managing the
Reserve. Where is this revenue going to come from? More leases and/or
fees and/or taxes? We ask you to use your existing revenue and power
to control and regulate areas in decline, not around Vashon and 
especially not in inner Quartermaster Harbor.

Dennis L. Williams
Janet L. Williams

Page: 1

Sequence number: 1



DNR acknowledges your opposition to the reserve.

Sequence number: 2



The management of stormwater and sewage outfalls described in sections 5.2.2.1 and 5.2.2.2 respectively only applies to those outfalls occurring on state-owned aquatic lands. We intend to work through the King County Rural Drainage Program on issues regarding individual property owners and only on a voluntary basis.

Sequence number: 3



There will be no direct cost for management of the aquatic reserve to the citizens of Vashon or Maury Island, aside from any use authorization fees that would apply with or without a reserve in place.

Sequence number: 4



The aquatic reserve program was established for conservation purposes and is quite different from the geoduck fishery. The reviewer can call Todd Palzer at 902-1864 to discuss any issues or concerns regarding DNR's management of the commercial geoduck fishery.

Sequence number: 5



The aquatic reserve program was established to provide management of unique aquatic resources on state-owned aquatic lands, not necessarily areas in decline. DNR has no authority to manage private property.

PUBLIC COMMENT SUMMARY AND DNR RESPONSE

AUGUST 10, 2004 PUBLIC HEARING ON THE DRAFT DSEIS FOR THE MAURY ISLAND AQUATIC RESERVE

1. Establishing the reserve will create more regulatory problems because it will cause other agencies, particularly King County, to increase regulations. Some question the public benefits of the reserve and portrayed the purpose of the reserve to establish a stumbling block for “Glacier.”

Response: See the Group Response on page 5 of this summary. Section 4.5 – Desired Future Conditions of Reserve Resources, of the management plan, defines the public benefits of conserving the featured resources of the reserve. In addition, DNR staff are preparing a public benefits review for the site.

2. Removal of pilings in area results in a decline in perch. Commercial geoduck fishery took all the geoduck; DNR completely destroyed the other fisheries, and now they are going to open Quartermaster Harbor to geoduck fishing and all the crabs will be gone.

Response: The environmental impacts of the state’s commercial geoduck fishery are evaluated in the 2001 Final Supplemental Environmental Impact Statement for the State of Washington Commercial Geoduck Fishery. The DNR has no plans to open a commercial geoduck fishery in Quartermaster Harbor. The Puyallup Tribe however, has treaty rights to fish for geoduck in Quartermaster Harbor.

3. Prefer adopting Alternative 3. People for Puget Sound and another citizen voiced that they do not want the reserve open for leasing.

Response: Under Alternative 3, the site would be managed under the Washington DNR’s current statutes and regulations, as well as the general guidelines established in the 2002 programmatic Final Environmental Impact Statement (FEIS). The statutes, regulations, and programmatic FEIS **do** allow leasing at the site. A no leasing alternative was considered but not evaluated in detail as there are already uses in the area, and this alternative would be not meet the purpose, objectives, and need of the reserve as stated in Section 1.2 of the FSEIS.

Section 3.2.1.4.2. of the programmatic FEIS states that, “...future leases *that are not compatible* with the reserve goals will not be allowed...” [emphasis added]. Additionally, Section 3.2.1.4.2. Of the programmatic FEIS and Section 3.4.3.2 of the Supplemental SEIS state that, “In general, no future use authorizations will be granted that alter, remove, and/or otherwise change any existing environmental or cultural characteristic of an established reserve, *except for those use authorizations that primarily serve the objectives of the reserve designation*” [emphasis added].

4. Why do we need an aquatic reserve? This effort should be stopped.

Response: The purpose for establishing the site as an aquatic reserve is discussed in section 2.5 of the Maury Island Environmental Aquatic Reserve Final Management Plan.

5. Creating an aquatic reserve is not the solution and alternative 2, to repeal the reserve, should be adopted. Another layer of government management will make County regulations more difficult. DNR should use the money for establishing the reserve for other purposes such as education, maintaining and updating current uses (such as creosote pilings, septic systems, and restoring the isthmus between Maury & Vashon Island).

Response: See the Group Response on page 5 of this summary. The management plan would formalize DNR's goals for outreach and education in the reserve, as explained in Sections 5.3.5. The management plan calls for the removal of creosote pilings in sections 5.2.2.10, 5.2.2.13, 5.2.2.25, and 5.2.3 and researching the feasibility of re-connecting Quartermaster Harbor and Tramp Harbor at portage in section 5.1.3.

6. The public needs to remember that DNR works for all citizens of the state, not just shoreline property owners. I support DNR.

Response: DNR appreciates the support and the acknowledgement of our responsibility to work for all of the state's citizens and for future generations.

7. Fish populations are in jeopardy, thus support for alternative 1 was indicated. We are not adequately protecting the Puget Sound where salmon smolts require habitat and food to survive. These resources are dwindling.

Response: Protection of fish populations and particularly, fish habitat was a factor in the rationale behind the aquatic reserve program.

8. The area does not need another set of bureaucracy. The aquatic reserve will not be affective. Spend money on better things.

Response: See group response on page 5.

9. Things are better today because they are managed and monitored and DNR is taking responsibility for these reserves. The responsibility of DNR is to manage state lands for the public trust.

Response: We appreciate the support of our efforts.

10. This additional bureaucracy is a stepping-stone to additional management. We don't want to pay to lease a mooring buoy in front of our house. The pendulum has gone too far the other way and I support alternative 2.

Response: The 2002 Legislature passed a law that allows individual residential property owners abutting state owned aquatic lands to install a mooring buoy on those public lands for recreational purposes without charge, as discussed in Section 5.4.3 of the management plan. Also, See the Group Response on page 5 of this summary.

11. DNR should not trample over individual rights without making it possible to develop our property. Public rights should not be put ahead of the individual property rights.

Response: See the Group Response on page 5 of this summary. The Washington DNR does not manage or regulate private property and it is not our intent to infringe upon private property rights in any way. In statute (RCW 79.90.460) the legislature directed that in the case of conflict between water-dependant uses, priority shall be given to uses, which enhance renewable resources, water-borne commerce, and navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

12. We are concerned about the health of the Puget Sound as it needs more protection. We support the alternative with the most environmental protection.

Response: This is the rationale behind the aquatic reserve program.

13. Concern was voiced as to whether DNR has adequate staff and funds to implement the management plan. The plan is vague and needs more details before people can comment.

Response: The draft plan includes a section (7.0) that defines staffing and funding needs. The plan provides specific detail regarding management in Section 5 and appendix O of the management plan. The Aquatic Reserve Program also provides for a periodic review and adaptive management for updates to the management plan in order to integrate new knowledge, information, and feedback after the plan is developed and implemented.

14. A large industrial facility could be developed near Gold Beach and the reserve can stop it. I agree with what DNR is proposing. Portage should be re-opened to help flow in Quartermaster Harbor. Some of the management plan needs correct points: Gravel pit has been inactive for more than 20 years. They have not extracted 10,000 tons of gravel from the site under the existing grading permit.

Response: See response #3 above. In addition, section 5.2.3.4 defines the site-specific management strategies for the Glacier site. The management plan states that "However, removal of gravel from the site has not occurred via the existing dock and conveyor

system located on state-owned aquatic lands within the reserve for over 20 years.” The reference utilized (King County FEIS Maury Island Glacier Northwest gravel mine. June 2000) states the “approximately” 10,000 tons per year have been extracted. If there is another, more accurate reference, please provide it to DNR staff.

15. The commenter voiced support of the reserve because the area supports the largest herring spawning stock in the South Puget Sound. The reserve is a step in the right direction for system management. DNR should keep the northwest boundary to protect the entirety of the converging drift cell.

Response: Boundary option C was not chosen for the Preferred Alternative as it encompasses only a small portion of a larger drift cell that extends along the northern shoreline of Maury Island. The aquatic reserve program places emphasis on including whole ecosystem and habitat components versus fragmented conservation of ecological features, and the current configuration of boundary option C does not meet this objective.

16. Reducing environmental impacts is going to affect shoreline property owner’s rights.

Response: See the Group Response on page 5 of this summary.

17. The commenter supports alternative 3 as it provides the greatest protection and helps to ensure that we leave a legacy for our children.

Response: Under Alternative 3, the site would be managed under the Washington DNR’s current statutes and regulations, as well as the general guidelines established in the 2002 programmatic Final Environmental Impact Statement (FEIS). The statutes, regulations, and programmatic FEIS **do** allow leasing on the site. A no leasing alternative was considered but not evaluated in detail as there are already uses in the area, and this alternative would be not meet the purpose, objectives, and need of the reserve as stated in Section 1.2 of the FSEIS. The designation under Alternative 1 includes specific management actions to protect the area for future generations.

Section 3.2.1.4.2 of the programmatic FEIS states that, “...future leases *that are not compatible* with the reserve goals will not be allowed...” [emphasis added]. Additionally, Section 3.2.1.4.2 of the programmatic FEIS and Section 3.4.3.2 of the Supplemental SEIS state that, “In general, no future use authorizations will be granted that alter, remove, and/or otherwise change any existing environmental or cultural characteristic of an established reserve, *except for those use authorizations that primarily serve the objectives of the reserve designation*” [emphasis added].

18. DNR has conflict of interest as manager of state-owned aquatic lands and the commercial geoduck fishery. DNR needs to resolve this issue.

Response: The final SEIS is not evaluating the state geoduck fishery. The impacts of the geoduck fishery have been examined in the 2001 Final Supplemental Environmental Impact Statement for the State of Washington Commercial Geoduck Fishery. Any

harvest occurring within the reserve area would adhere to these standards and the reserve management plan.

19. The commenter discussed his lawsuit with Ron Simms.

Response: The hearing was not associated with this issue.

20. DNR's designation of the reserve is about making money. Science is only giving us a portion of the information. What exactly is DNR going to do in the reserve and what agencies are going to stair step off of the reserve?

Response: Aquatic reserve designation would not be expected to generate an increase in revenue to the state. See the Group Response on page 5 of this summary.

Group Response

Several people repeated some iteration of the following comment during the hearing.

1. Another layer of government management will make County regulations more difficult.

Response: DNR has proprietary responsibility to manage state-owned aquatic lands whether the site is an aquatic reserve or not. DNR has been responsible for the management of state-owned aquatic lands throughout the state, including the Maury Island site, since the early part of the 20th Century. DNR will continue to have this responsibility whether there is an aquatic reserve or not.

King County, or any other regulatory agency, has not indicated any intent to develop additional restrictive regulatory measures resulting from the aquatic reserve being established. Recent language from the King County Comprehensive Plan update, which was approved by the King County Growth Management and Unincorporated Areas Committee, regarding the Aquatic Reserve, is mentioned in DNR's management plan. The full King County Council has not yet approved the Comprehensive Plan, however, the language approved by the Committee is as follows:

Section E-120a "King County should protect and enhance the natural environment in those areas recommended as Aquatic Reserves by Washington State Department of Natural Resources. This should include participation in management planning for the aquatic reserves and working with willing landowners adjacent to the reserve on restoration and acquisition projects which enhance the natural environment."

Thus, the Committee has clarified that the intent of the County is to work collaboratively with willing landowners to enhance the values of the Aquatic Reserve, not adopt additional restrictions for the site. In addition, King County citizens can comment on this or any other regulatory proposal being developed by King County.

